



ACM Group, Inc.
50A Northwestern Drive unit 10
Salem, NH 03079

Certified Statement

Date: 04/22/2020

From: Robert Lavallee, ACM Group, Inc.

To: Wanda I. Santiago, Regional Hearing Clerk, U.S. EPA – Region 1
Peter M. DeCambre, Senior Enforcement Counsel U.S. EPA

RE: 99 Gates Street Portsmouth, NH – Docket No. TSCA-01-2019-0061

I, Robert Lavallee, a duly authorized representative of ACM Group, Inc., am requesting a payment plan deferral in order to pay the penalty over a six-month period. ACM Group Inc. is requesting to defer the payment plan and terms for the following reasons:

1. ACM Group Inc. has been impacted by the current events due to covid-19 corona virus.
2. ACM Group Inc. has had issues with cash flow, work, and employees due to the covid-19 corona virus.

I, Robert Lavallee, President of ACM Group Inc. certify, under penalty of law, that the information contained in such statement, and the accompanying documents, are true, accurate, and complete based upon personal knowledge or personal inquiry of the person or persons directly responsible for gathering the information, and that he/she is aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Respectfully,

Robert Lavallee
ACM Group, Inc.



Robert Lavallee

50A Northwestern Drive
Unit 10
Salem, NH 03079

Phone: (603) 319-1270
Email: robert@acmdemogroup.com
Website: www.acmdemogroup.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
04/20/2020

VIA ELECTRONIC MAIL

Michael Hinkle
President
Alex C. Ferguson, LLC
5121 Coffey Avenue
Chambersburg, PA 17201

Re: Consent Agreement and Final Order
Docket No. FIFRA-03-2019-0132

Dear Mr. Hinkle:

The United States Environmental Protection Agency ("EPA"), Region 3, is in receipt of your request made on March 18, 2020 for relief from the terms and conditions of the above referenced Consent Agreement and Final Order ("CAFO") filed on September 26, 2019. Specifically, Alex C. Ferguson, LLC ("AFCO") requested a six-month postponement from the agreed upon civil penalty installment payment plan set forth under Paragraphs 52 and 53 of the Consent Agreement. On March 30, 2020, you, on behalf of AFCO, submitted to EPA the enclosed Declaration justifying AFCO's request for a six-month postponement of the civil penalty installment payment plan due to the COVID-19 pandemic.

EPA recognizes that the COVID-19 pandemic is an historic event impacting many and EPA acknowledges AFCO's efforts to address the COVID-19 pandemic. Based upon AFCO's representations as stated in your Declaration, EPA agrees to postpone the civil penalty installment payment plan set forth under Paragraphs 52 and 53 of the Consent Agreement. The remaining 7 monthly installment payments shall resume on October 8, 2020 as follows:

10/8/2020	\$ 124,796.91
11/7/2020	\$ 124,694.92
12/7/2020	\$ 124,592.92
1/6/2021	\$ 124,490.95
2/5/2021	\$ 124,388.96
3/7/2021	\$ 124,286.98
4/6/2021	\$ 124,188.99

EPA agrees to forbear in the assessment of interest, the collection of late payment penalties and other administrative costs and fees set forth in Paragraphs 56-60 of the Consent Agreement provided AFCO resumes timely installment payments of the civil penalty on October 8, 2020 and thereafter in accordance with the civil penalty installment payment schedule set forth above. All

other terms and conditions set forth in the Consent Agreement and Final Order remain in full force and effect.

For any questions regarding this modification to the civil penalty installment payment plan as described herein, please contact Louis F. Ramalho, Senior Assistant Regional Counsel, EPA Region 3 at Ramalho.Louis@epa.gov or by phone at 214-814-2681.

Respectfully,

**KAREN
MELVIN**

Digitally signed by
KAREN MELVIN
Date: 2020 04.20
10:47 03 -04'00'

Karen Melvin, Director
Enforcement and Compliance Assurance Division

Enclosure

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

AFCO C&S, LLC
5121 Coffey Avenue
Chambersburg, PA 17201

RESPONDENT.

U.S. EPA Docket Number
FIFRA-03-2019-0132

DECLARATION OF MICHAEL HINKLE

I, Michael Hinkle, declare as follows:

1. My name is Michael Hinkle, and I am an adult who is over 18 years of age and competent to testify to the matters set forth in this Declaration.
2. I currently serve as the President of AFCO C&S, LLC ("AFCO"), a wholly owned subsidiary of Zep, Inc. ("Zep"). Collectively, AFCO and Zep are referred to as the "Companies" in this Declaration.
3. In response to the COVID-19 pandemic, the Companies are engaged in an enterprise-wide pandemic response, including the identification of non-critical capital expenditures that can be diverted and used for the production of several high-priority hand sanitizer and disinfectant products used to combat the novel coronavirus ("2019-nCoV").
4. The Companies are in the early stages of implementing cash flow preservation measures to ensure that sufficient working capital is available to meet the worldwide demand for their hand sanitizers and other EPA-registered disinfectants to combat 2019-nCoV.


5. If payments under the above-referenced Consent Agreement and Final Order ("CAFO") are not temporarily suspended and AFCO is required to continue paying approximately \$125,000 each month under the installment payment plan, the Companies cannot use approximately \$125,000 each month to pay employees to make the hand sanitizers and EPA-registered disinfectant products for fighting 2019-nCoV.

6. Given the unprecedented need for their hand sanitizers and EPA-registered disinfectant products to fight 2019-nCoV, the Companies' available cash is being consumed at historical levels to fill orders. In the near-term, the Companies expect to have limited available cash to address the worldwide need for their products, even with payments for existing orders being provided in accordance with applicable commercial terms.


7. The Companies are in the early stages of evaluating cash flow and other financial issues during this extremely volatile and dynamic time.

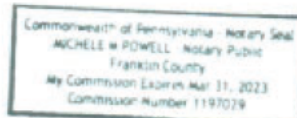
8. An immediate temporary suspension of the installment payments under the CAFO until at least September 2020 would allow the Companies to use the money required to be paid under the CAFO to make products that protect public health in the midst of the COVID-19 pandemic.

Dated: 3/30/2020

By: 
Michael Hinkle
President, AFCO C&S, LLC

Sworn to and subscribed before me
this 30th day of March, 2020.


Notary Public



PER EMAIL AND COURIER

Anchor Glass Container
Attn: Nipesh Shah
3001 N Rocky Point Drive E, Suite 300
Tampa, FL 33607
USA

Steinhausen, March 19, 2020

COVID-19 Pandemic – Notice of Force Majeure

Dear Mr. Shah,

We have to inform you that the government of Malaysia has announced a nationwide lockdown from March 18 to 31, 2020 to stem a surge in COVID-19 infections. Consequently, the production facility of Bucher Emhart Glass in Johor Bahru will be closed during this time.

The COVID-19 pandemic and the measures taken by the government of Malaysia impairs Bucher Emhart Glass from fulfilling its contractual obligations towards you with respect to the project with the following Bucher Emhart Glass reference number: 8M1913 (L21 - L24; 4 x IS 10 DG 6 ¼). Moreover, also other current and future business relationships between us – if any – are or will be affected by these circumstances. We, therefore, expect delays in project execution, in particular delays in delivery of equipment and delays in provision of services.

We hereby provide written notice to you that the COVID-19 pandemic and in particular the measures taken by the government of Malaysia constitute an event of Force Majeure.

Currently, we can neither predict the duration of this Force Majeure event nor assess the consequences in detail. As of today, unfortunately, we are not in a position to provide you with an alternative proposal to overcome the inconveniences caused by this Force Majeure event. We will analyze the consequences and will inform you about new developments and new timelines.

In the meantime, if you have any questions or wish to discuss this matter with us in more detail, please do not hesitate to contact us.

Sincerely yours,


Martin Jetter
President


Werner Gessner
Vice President Sales & Marketing



**FrieslandCampina Ingredients
North America, Inc.**

April 16, 2020

40196 State Hwy 10
Delhi, NY 13753
USA

t +1 607 746 0100
f +1 607 746 2710

www.frieslandcampina.com
www.domo.nl

VIA ELECTRONIC MAIL
(Buettner.robert@Epa.gov)

Robert Buettner, Chief
Air Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

Re: *FrieslandCampina Ingredients North America, Inc.*
Administrative Order on Consent
CAA-02-2018-1001

Dear Mr. Buettner:

By letter dated August 26, 2019, in accordance with Paragraph 50 of the referenced Administrative Order on Consent (AOC), we submitted a schedule modification to the EPA and the New York State Department of Environmental Conservation (NYSDEC) for the installation and operation of Phase 2 Reasonably Available Control Technology (RACT) for emissions of volatile organic compounds (VOC) (toluene) from our facility in Delhi, New York. This schedule included the following actions and associated completion deadlines:

Milestone	Milestone Completion Date
Complete Detailed Engineering Design for HTST Air Stripper System	Feb 28, 2020
Complete Bidding & Equipment Procurement Process for HTST Air Stripper System	Mar 13, 2020
Complete Equipment Purchase	April 1, 2020
Complete Phase 2 RACT Construction	Aug 31, 2020
Submit Emission Test Protocol (assumes NYSDEC approval by 30 Oct 2020)	Sept 30, 2020
Complete Equipment Debugging and Commence Operation	Oct 30, 2020
Complete Emission Test Program & Submit Emission Test Report	Mar 1, 2021

This schedule is indirectly referenced in Condition 3-6 of our Title V facility permit.

As EPA and NYSDEC are aware, and as reflected in the modified schedule, our original planned Phase 2 VOC RACT approach for liquid waste streams contemplated use of an air stripper. In January, we discussed the status of our revised liquid waste stream control approach with representatives of the NYSDEC. We have determined that a better control technology solution will involve use of a non-contact condenser, separation tanks and free toluene reuse/disposal. This approach will be more environmentally sustainable based on recycling of the toluene versus destruction, and will also achieve the RACT objectives. With respect to our vapor waste streams,



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we have also determined to connect additional internal ducts to the new header that will lead to our existing Regenerative Thermal Oxidizer (RTO). We anticipate submitting a Title V permit modification application to NYSDEC for the changes to the vapor waste stream approach by May 1, 2020.

Since the time of our January discussion with NYSDEC, the first three (3) dates in our RACT schedule have passed. These dates primarily related to removal of VOCs from our liquid waste streams (i.e., air stripper for wastewater), and as described above, that control approach has changed. In addition, on the vapor side, we are adding more collection points (e.g., new ducts, header) to route VOC vapors to the RTO. Our revised control approach will necessarily involve substantial construction that will be completed in a sequenced manner utilizing multiple trades contractors. A Title V permit modification will also be needed. The design for the modifications will soon be complete. Our facility, like many across the state, nation and world, is operating with limited personnel until further notice due to COVID-19. We are operating in this manner for the health and safety of our employees, their families and our local community. In addition to affecting FCINA's operations, our partners' operations are presently curtailed and their ability to provide service on any given schedule is uncertain. These circumstances are certain to have an undetermined impact on our schedule. As a result, we – and many others – find ourselves in an uncertain position with projects that were underway necessarily being placed "on-hold" for reasons out of our control.

Currently, the following general activities must be completed:

- VOC RACT Permit Modification Application submitted to NYSDEC (seeking approval for revisions to RACT approach)

- Final Construction Design Documents – Vapor Header, Condensate Separation, Condenser Replacement, Toluene Tank and Tank Truck Containment

- RFQ/Bids/Contracting for Construction Company and Trades (Excavation, Concrete, Metals, Roofing, Mechanical/Piping, Electrical, Internal Controls, etc.)

- Equipment Bidding and Procurement

- Construction

Following completion of construction, all VOC RACT controls will be operational and required emission testing will be performed. We have instructed our environmental consultant to have the emission test protocol ready before completion of construction so we can promptly commence testing.

In view of the foregoing, we propose the following revised final schedule for completion of Phase 2 RACT controls. This revised schedule reflects an additional nine (9) month timeframe to complete all activities. We have added to the schedule a milestone for submission of the Title V permit modification application to NYSDEC. Please note that we have not accounted for a delay in connection with the circumstances our facility and partners are currently experiencing and will for the foreseeable future due to COVID-19, nor for any impacts that may be caused by winter delay. Moreover, as noted in the following table, some of these dates presume finalization of the modified Title V permit. While we intend this to be a final schedule, in the unfortunate



April 16, 2020

Page 3

event that there is still disruption at the time additional milestones approach, we may request another extension of time.

	Milestone Completion Date
Submission of Title V Permit Modification Application	May 1, 2020
Complete Detailed Engineering Design for Toluene Emissions Control (Phase 2 VOC RACT)	June 4, 2020
Complete Bidding of Equipment & Purchase	November 23, 2020 ¹
Submit Emission Test Protocol	July 12, 2021
Complete Phase 2 RACT Construction	October 21, 2021
Complete Equipment Debugging and Commence Operation	November 9, 2021
Complete Emission Test Program & Submit Emission Test Report	December 23, 2021

Finally, we understand that this request for extension should have been submitted to EPA prior to any of the existing schedule dates having passed. We apologize for that oversight, but as we hope the agency will understand, our limited staffing was a contributing factor. Finally, our outside counsel will continue to keep EPA counsel informed of the status of our activities, and the associated timing, in this regard.

Thank you for your time and consideration and please call if you have questions.

Sincerely,
FrieslandCampina Ingredients North America, Inc.

A handwritten signature in black ink, appearing to read "Martin Ansing".

Martin Ansing
Operations Director

cc: Mr. Mark Lanzafame, P.E. (via e-mail only)
Division of Air Resources
New York State Department of Environmental Conservation
1130 North Westcott Road
Schenectady, NY 12306

Robert R. Tyson, Esq. (via e-mail only)
Jaime Lopez (via e-mail only)

¹ Milestone Completion Dates from this point forward presume a Title V permit revision will be finalized on or about October 1, 2020, such that equipment ordering and purchase can be finalized and construction authorized.



March 24, 2020

Larry Gaugler, P.E.
Team Leader
Small Clean Water Compliance Programs Team
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, New York 10007

Ed Hampston, P.E.
Director
Bureau of Water Compliance Programs
Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-3506

Re: *Request for Information under Clean Water Act § 308*
FrieslandCampina Ingredients North America, Inc.
Docket No. CWA-IR-20-004

Dear Messrs. Gaugler and Hampston:

As described below, by this letter, FrieslandCampina Ingredients North America, Inc. ("FCINA") requests a 90-day extension of time to submit certain information due in our next response to the U.S. Environmental Protection Agency's ("EPA") February 5, 2020 Request for Information ("RFI") pursuant to Section 308 of the Clean Water Act.

We submitted our initial response to the RFI to the agencies on March 9, 2020. That response was timely and addressed all information required by Item 1 of the RFI. Pursuant to the terms of the RFI, our next response to the RFI (Item 2) is due on April 13, 2020. Further, Item 3 of the RFI requires that beginning April 30, 2020, FCINA submit quarterly progress reports providing the status of certain issues. In relevant part, Items 2 and 3 address issues such as design information for our wastewater pretreatment plant ("WWPTP"), plans and specifications for upgrades to our WWPTP, and a schedule for actions that will achieve full compliance with User Agreement limits and our cooling water discharge, among other requirements.

**FrieslandCampina Ingredients
North America, Inc.**

40196 State Hwy 10
Delhi, NY 13753
USA

t +1 607 746 0100
f +1 607 746 2710

www.frieslandcampina.com
www.domo.nl



Larry Gaugler, P.E.
Ed Hampston, P.E.
March 24, 2020
Page 2

Our Delhi, New York facility, like many across the state, nation and world, is operating with limited personnel until further notice due to COVID-19. We are operating in this manner for the health and safety of our employees, their families and our local community. In addition to affecting FCINA's operations, we have been in contact with our partners assisting with our wastewater compliance efforts. While they have started work in recent months intended to lead to the long-term optimization of our WWPTP, their operations are presently curtailed and their ability to provide service on any given schedule is uncertain. Our construction contractor notified us last week that their ability to work on projects will be impacted, and they cannot predict or evaluate the nature of those impacts or their duration. As a result, we – and many others – find ourselves in an uncertain position with projects that were underway necessarily being placed "on-hold" for reasons out of our control. Accordingly, we request a 90-day extension, until July 13, 2020 and July 30, 2020, to respond to Item 2b and 3 of the RFI, respectively, in the hope that additional information will be available at that time. In the unfortunate event that there is still disruption at that time, we may request another extension of time.

In the meantime, we provide the following response to Question 2.a of the RFI:

2. Within sixty (60) calendar days of receipt of this RFI letter, submit the following:

- a. For Friesland's Wastewater Pre-Treatment Plant ("WWPTP"), submit the design information for both the existing plant equipment prior to the installation of temporary equipment in (2018 and/or 2019) and for the temporary equipment, as well as for the pre-existing and temporary equipment combined, describing the amount of flow and the amount of each of the following pollutants that can be treated as a daily maximum as well as on a monthly or long term basis:**
 - i. Flow (millions of gallons per day);**
 - ii. Total Suspended Solids (lbs/day);**
 - iii. Carbonaceous Biochemical Oxygen Demand ("CBOD") and/or Biological Oxygen Demand ("BOD") (lbs/day);**
 - iv. Ammonia-Nitrogen (lbs/day); and**
 - v. Phosphorus (lbs/day).**



Larry Gaugler, P.E.
Ed Hampston, P.E.
March 24, 2020
Page 3

Response: FCINA has not located and is not aware of design information for the WWPTP which we understand commenced operation in mid-2000. We have identified a "Process Design Description" (Figure PR-1) with a 2008 date which includes "Current Design Conditions" (that is, as of 2008) and a "Basis of Design". We do not know the reason Figure PR-1 was prepared, or the meaning of the information presented as "Current Design Conditions" or "Basis of Design." A copy of Figure PR-1 is attached. We have not located additional documents relating to the design of our existing WWPTP prior to installation of temporary upgrades. With respect to the temporary upgrades, the design was intended to reduce TSS by 85-90%, and that would have a positive impact on BOD and phosphorous. In 2019, average TSS, BOD and phosphorous levels were reduced as compared to 2018, and exceedances were also reduced. FCINA will continue efforts to work toward compliance and fewer exceedances until the long-term optimization of our WWPTP can be completed. Beyond TSS, there were no specific design parameters. Ammonia was not a focus of the temporary upgrades. We have attached a process flow diagram which identifies the current configuration of our temporary upgrade facility.

As noted above, we are currently unable to provide information responsive to Question 2.b of the RFI. Nevertheless, while definite WWPTP enhancement plans are in the latest phase of design and approval, we are considering a phased installation of upgrades with the initial phase completed in 2021 due to the constraints necessitated by Covid-19.

In the meantime, we intend to work with the Village of Delhi in an effort to provide as much support for its wastewater operation as possible, and to ensure coordination and communication with Village personnel in connection with our WWPTP discharges.

Additionally, as indicated in our initial response to the RFI, FCINA has determined that it will seek coverage under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-17-004). We currently anticipate submitting a Notice of Intent to the Department during the week of March 23, 2020.

We remain available to discuss with EPA the information contained in this letter. Please note that the letter and the attached figures contain information regarding our processes and the materials used in those processes. For this reason, we request EPA to treat all information as confidential and proprietary business information that is exempt from disclosure under the Freedom of Information Act.



Larry Gaugler, P.E.
Ed Hampston, P.E.
March 24, 2020
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As required, we provide the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

FRIESLANDCAMPINA INGREDIENTS NORTH AMERICA, INC.

A handwritten signature in black ink, appearing to read "Martin Ansing", with a stylized flourish at the end.

Martin Ansing
Operations Director

Atts: Figure PR-1
Process Flow Diagram

From: [Lanzafame, Mark R \(DEC\)](#)
To: [Slizys, Ray](#)
Cc: [Buettner, Robert](#); [LaVigna, Gaetano](#); [Patel, Harish](#); [Marmanides, Katherine](#); [Villatora, Liliana](#); [Saporita, Chris](#); [Cronin, Michael P \(DEC\)](#); [Prunier, Denise \(DEC\)](#); [Luisi, Anthony P \(DEC\)](#); [Potter, Benjamin J \(DEC\)](#)
Subject: RE: FrieslandCampina Phase 2 RACT Controls
Date: Monday, May 4, 2020 8:05:20 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)
[image005.png](#)

Hi Ray,

We don't object to the revised schedule, either. That being said, we may issue a warning notice to the facility to address the milestones that lapsed before they reached out to us with a revised plan so that we can lay out our expectations as far as when things should be communicated (i.e. before the deadline passes).

With respect to the deliverables they promised, we received the significant modification application late in the day on 4/30/2020.

Mark

From: Slizys, Ray <Slizys.Ray@epa.gov>
Sent: Friday, May 01, 2020 6:33 PM
To: Lanzafame, Mark R (DEC) <mark.lanzafame@dec.ny.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>; Marmanides, Katherine <Marmanides.Katherine@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>
Subject: FrieslandCampina Phase 2 RACT Controls

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Hi Mark -

Thanks once again for sending FCINA's response describing how they anticipate the COVID-19 pandemic will affect their timetable for installing Phase 2 RACT controls. We've discussed FCINA's April 16 request for an extension of time for the installation of Phase 2 RACT controls and we have no objections to their proposed timetable. Please let us know if NYSDEC concludes that modifications to FCINA's timetable are needed. We'd also appreciate updates on FCINA's progress in meeting upcoming milestones – according to their April 16 letter, they proposed submittal of a Title V permit modification application that was due today, May 1, and submittal of a "Complete Detailed Engineering Design for Toluene Emissions Control (Phase 2 VOC RACT)" by June 4.

Ray Slizys, Environmental Engineer
ECAD – Air Compliance Branch
U.S. Environmental Protection Agency, Region 2
212-637-4073

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From: Lanzafame, Mark R (DEC) <mark.lanzafame@dec.ny.gov>
Sent: Tuesday, April 28, 2020 8:24 AM
To: Slizys, Ray <Slizys.Ray@epa.gov>
Cc: Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>; Prunier, Denise (DEC) <denise.prunier@dec.ny.gov>; Potter, Benjamin J (DEC) <benjamin.potter@dec.ny.gov>; Luisi, Anthony P (DEC) <Anthony.Luisi@dec.ny.gov>
Subject: FW: FrieslandCampina Administrative Order on Consent CAA-02-2018-1001

Good morning Ray,

Please see the below response from FCINA with respect to their April 16, 2020 request for a schedule change. We have not discussed this internally yet, so I'm not sure how we will handle this at this time.

Mark

From: Lopez, J.L. (Jaime) <jaime.lopez@frieslandcampina.com>
Sent: Tuesday, April 28, 2020 8:18 AM
To: Lanzafame, Mark R (DEC) <mark.lanzafame@dec.ny.gov>; buettner.robert@epa.gov
Cc: Ansing, M.H. (Martin) <Martin.Ansing@frieslandcampina.com>; Jaspers, P.A. (Paul) <paul.jaspers@frieslandcampina.com>; Roach, M.R. (Mark) <Mark.Roach@frieslandcampina.com>; Scherer, K.J.S. (Kevin) <kevin.scherer@frieslandcampina.com>; Tyson, Robert <tysonr@BSK.com>; Luisi, Anthony P (DEC) <Anthony.Luisi@dec.ny.gov>; Potter, Benjamin J (DEC) <benjamin.potter@dec.ny.gov>; Hamedl, J.S. (Joann) <JoAnn.Hamedl@frieslandcampina.com>
Subject: RE: FrieslandCampina Administrative Order on Consent CAA-02-2018-1001

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In response to your question, the request for extension is based on factors related to COVID-19 – now and in the future – and additional factors that are not related to the pandemic. Addressing non-COVID-19 factors first, as we discussed with the Department when we met in January, our liquid phase plans changed to be more efficient and sustainable, and those were to be addressed in the permit modification application (and they will be). While our focus at that time was on the liquid phase, our vapor approach has become more complex because we will connect more vapor points to the RTO than were originally planned, and that requires additional engineering (and will also be accounted for in the permit modification application).

Although the complexity of those plans would have resulted in a requested extension even

without COVID-19, the pandemic creates further problems and delay. Our efforts are led by an international project team who are not allowed to travel to the US and therefore, cannot visit the Delhi facility. Some of the engineering requires investigation of equipment in the production area, and access to this area has been severely restricted due to COVID-19 (most of the time access to the production area is prohibited except for the operators). In addition, at the current time, our Delhi project team members are not at the site each day due to COVID-19 restrictions (and they do not have access to the production area). Moving forward with the pandemic, we are expecting some of the same issues. For bidding, potential contractors need to visit the facility, and we don't know when they will be able to do so. We also expect contractors to have a backlog whenever the State "opens" back up, and that will lead to delays – we expect this to affect the duration of the contracting process moving forward. I hope this is helpful, but happy to discuss in more detail if you prefer.

Thank You for your time and assistance,

Jaime Lopez

From: Lanzafame, Mark R (DEC) <mark.lanzafame@dec.ny.gov>
Sent: Friday, April 17, 2020 9:39 AM
To: Hamedl, J.S. (Joann) <JoAnn.Hamedl@frieslandcampina.com>; buettner.robert@epa.gov
Cc: Ansing, M.H. (Martin) <Martin.Ansing@frieslandcampina.com>; Lopez, J.L. (Jaime) <jaime.lopez@frieslandcampina.com>; Jaspers, P.A. (Paul) <paul.jaspers@frieslandcampina.com>; Roach, M.R. (Mark) <Mark.Roach@frieslandcampina.com>; Scherer, K.J.S. (Kevin) <kevin.scherer@frieslandcampina.com>; Tyson, Robert <tysonr@BSK.com>; Luisi, Anthony P (DEC) <Anthony.Luisi@dec.ny.gov>; Potter, Benjamin J (DEC) <benjamin.potter@dec.ny.gov>
Subject: RE: FrieslandCampina Administrative Order on Consent CAA-02-2018-1001

Good morning all,

Can you please clarify whether this request for extension is directly related to COVID-19 or whether it is unrelated but may be affected by the pandemic in the future?

I am working remotely, so e-mail is the best way to get in touch.

Thanks!

Mark




Mark Lanzafame, P.E.

Professional Engineer 1, Division of Air Resources

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233-3254

P: (518) 402-8403 | F: (518) 402-9035 | mark.lanzafame@dec.ny.gov

www.dec.ny.gov |  |  | 



From: Hamedl, J.S. (Joann) <JoAnn.Hamedl@frieslandcampina.com>
Sent: Thursday, April 16, 2020 5:29 PM
To: buettner.robert@epa.gov; Lanzafame, Mark R (DEC) <mark.lanzafame@dec.ny.gov>
Cc: Ansing, M.H. (Martin) <Martin.Ansing@frieslandcampina.com>; Lopez, J.L. (Jaime) <jaime.lopez@frieslandcampina.com>; Jaspers, P.A. (Paul) <paul.jaspers@frieslandcampina.com>; Roach, M.R. (Mark) <Mark.Roach@frieslandcampina.com>; Scherer, K.J.S. (Kevin) <kevin.scherer@frieslandcampina.com>; Tyson, Robert <tysonr@BSK.com>
Subject: FrieslandCampina Administrative Order on Consent CAA-02-2018-1001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Please see attached letter regarding Administrative Order on Consent CAA-02-2018-1001.

Sent via e-mail on behalf of

Martin Ansing

Operations Director FCINA Delhi

F/T: +1 (607) 7460270

M: +1 (607) 349 3324

martin.ansing@frieslandcampina.com

Regards,

JoAnn Hamedl

Office Manager - Delhi

FrieslandCampina Ingredients North America, Inc.

40196 State Hwy 10

Delhi, NY 13753 USA

T: +1 607 746 0217

F: +1 607 746 7252

M: +1 607 435 0534



Regards,

JoAnn Hamedl

Office Manager - Delhi

FrieslandCampina Ingredients North America, Inc.
40196 State Hwy 10
Delhi, NY 13753 USA

T: +1 607 746 0217

F: +1 607 746 7252

M: +1 607 435 0534



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voortvloeiende uit het gebruik hiervan. Op alle transacties en daaruit voortvloeiende verbintenissen zijn de algemene [inkoopvoorwaarden](#) respectievelijk [verkoopvoorwaarden](#) van Koninklijke FrieslandCampina N.V. van toepassing.



April 15, 2020

Sent via e-mail

Dave Hensley
Chemical and Oil Release Prevention Branch
EPA Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219
Hensley.Dave@epa.gov

Sarah LaBoda
Office of Regional Counsel
EPA Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219
LaBoda.Sarah@epa.gov

Re: *U.S. v. Harcros Chemicals Inc.*, Case No. 2:17-cv-02432
January to March 2020 Quarterly Report (Section VII., Paragraph 35.a)

Mr. Hensley and Ms. LaBoda:

Pursuant to Section VII, Paragraph 35.a of the above-captioned Consent Decree, with this letter and attachments, Harcros Chemicals Inc. ("Harcros") timely submits this Quarterly Report of activities completed under the Consent Decree during the last calendar quarter.

Paragraph 35.a of the Consent Decree requires the following information to be submitted:

- The status of the Audits;
- The status of the Audit Reports;
- The status of Harcros' Responses to Audit Findings;
- The status of any disputes regarding any Audit Finding; and
- The status of implementation of measures to correct such Audit Findings.

This information is provided in the attached spreadsheet on the sheet titled, "Status Report." This sheet contains information on all Audits that were conducted and upcoming deadlines related to the Audits. In summary, Harcros has completed Audits (or internal audits) at all of its facilities, and Audit Reports were submitted to EPA and Harcros for all 25 Facilities with Third-Party Audits. Harcros evaluated the Audit Reports and submitted its Statements responding to the Audit Reports at those 25 facilities. Harcros also submitted internal audit reports for three Facilities, as described below. Corrective actions are complete at 25 facilities. Corrective actions are significantly underway at three remaining Harcros facilities (Pasadena, Oklahoma City and St. Gabriel), and Harcros continues to work diligently to complete these action items. As discussed below, Harcros hopes to complete these corrective action items by May 31, 2020, but in light of the COVID-19 pandemic, there may be issues that arise and delay completion. This is described further below.

Employee Owned

5200 Speaker Road | Kansas City, KS 66106 | (913) 321.3131 | Fax (913) 621.7718 | www.harcros.com
DB04/0506367.0025/13673445.1

Paragraph 35.a. of the Consent Decree requires a certification that any Facilities exempted from the third-party audit requirements continue to meet the definition of "Limited Function Facility. Harcros conducted internal audits, identified Findings and completed corrective actions at three Limited Function Facilities – the Davenport, Omaha, and Wichita facilities. Harcros exempted these three Facilities as Limited Function Facilities pursuant to Paragraphs 8.o and 19 of the Consent Decree, and submitted the exemptions and internal audit reports to EPA via letter dated February 28, 2019. With this letter, Harcros certifies these three facilities continue to meet the definition of "Limited Function Facility."

Paragraph 35.a.i. also requires the Quarterly Report to include a statement regarding any measures taken to correct Audit Findings that occurred after submission of the prior quarterly status report. This information is available in the attached spreadsheet on the sheet titled, "Audit Findings." This sheet lists each Finding for facilities that have been audited and for which Harcros has submitted its Audit Statement. As to the status of correction, Harcros indicates that actions are "Complete." Unless noted otherwise, all items were timely completed.

Paragraph 35.a.ii. requires the Quarterly Report include an update on the status of Supplemental Environmental Project ("SEP") completion for each facility. This information is available in the attached spreadsheet on the sheet titled "SEP Status." At this time, six foam systems have been installed and are operating. The two remaining foam systems are for the Dallas and Pasadena facilities. The status of each is described in the attached spreadsheets. To summarize, the Dallas SEP was delayed while the local utility (Oncor) completed electric pole and transformer replacements. That work is now complete. There are some COVID-19-related delays from Harcros' contractor. We are awaiting additional timing information from them, but hope the foam system is operational by the end of April. The Pasadena foam system is discussed further below.

COVID-19-Related Impacts

Harcros is in the process of completing the Pasadena SEP and corrective actions at its Pasadena, Oklahoma City and St. Gabriel facilities. Each of these is or may be impacted by COVID-19. For example, to date, there have been delays caused by the supply chain (including materials coming from China), workforce (employees with COVID-19 resulting in plant shutdowns), contractor availability, and stay at home orders. These and other impediments to completion are likely as the country and Harcros continue to be impacted by the COVID-19 pandemic. In light of this, Harcros presents the following information in accordance with the Consent Decree Force Majeure and Modification provisions and Susan Parker Bodine's March 26, 2020 memo regarding COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("OECA COVID-19 Memo").

a. Pasadena SEP

The Pasadena SEP was granted an extension to allow Harcros time to move into and install the foam system at its new Pasadena facility. EPA and DOJ granted an extension until July 31. Unfortunately, Harcros does not believe it will be able to meet the July 31 deadline for the

Pasadena foam system. Therefore, in accordance with Sections IX. and XVI. of the Consent Decree, Harcros requests a further extension of time to complete the SEP. Harcros believes this is appropriate as a modification, as Force Majeure, and in accordance with Susan Parker Bodine's March 26, 2020 memo. In support, Harcros provides the following information:

- Harcros is making every effort to comply with its environmental compliance obligations and has taken its best efforts to meet the SEP deadline. Harcros has been working on its new Pasadena facility for more than a year. The facility was scheduled to be completed by mid-year. However, COVID-19-related issues have created delays. Specifically, Harcros' general contractor has indicated that the facility construction is anticipated to be delayed because of supply chain issues, and Harris County, Texas, where the Pasadena facility is located, is under a Stay At Home Order and keeping contractors on-site is challenging (and expected to get more challenging). In addition, Harcros' Pasadena facility is exempt from stay at home orders as it is major supplier of chemicals and surfactants used in cleaning and sanitation products; demand is high and continuing production is a priority. Pasadena employees are focused on staying open, implementing measures to protect employee health and safety, and meeting demand to assist these critical business customers in providing essential services. In light of this, Harcros management believes it is essential to continue production and pause the new facility construction. Harcros will continue operations at its existing Pasadena facility before resuming construction of the new facility under an existing contract later this year. This will allow smooth, continued operation instead of continuing to place scarce resources in an attempt to secure materials and resources to complete the new facility on time.
- Harcros is acting responsibly to minimize the adverse effects and duration of noncompliance: Harcros re-focused its efforts from closing the facility to completing corrective actions at the existing facility; these corrective action items otherwise would have been completed via closing. In addition, the Pasadena facility has an existing sprinkler system that remains operational to provide fire protection until the facility closes. This will facilitate protection of human health and environment until Harcros can move into its new facility. Harcros is finalizing corrective actions at the existing Pasadena facility and currently expects them to be timely completed, though COVID-19 remains an uncertainty. To minimize delays but comply with social distancing requirements and the stay at home order, Harcros is exercising flexibilities such as keeping limited staff on-site on the weekend so contractors can come to the facility during more limited operations and complete work. Harcros will continue to advance the corrective actions to completion.
- Identify the specific nature and dates of noncompliance: Harcros requests further extension to March 30, 2021 to finalize the new Pasadena facility and install the foam system.
- Identify how COVID-19 was the cause of noncompliance and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity: The new facility's completion is delayed by the

availability of material and resources. In addition, COVID-19-related increasing demand from customers makes closing an existing facility and opening a new one incredibly risky from a supply chain perspective. In light of this, Harcros re-focused its efforts on completing corrective action items at the Pasadena facility to protect human health and environment during the longer-than-anticipated operations.

- Return to compliance ASAP: See above. Harcros will provide EPA notice when the foam system is complete.

For these reasons, Harcros requests a further extension be granted to complete the Pasadena SEP either as Force Majeure, a Consent Decree modification, or in accordance with the March 26, 2020 OECA Memo.

b. Corrective Actions

At this time, Harcros believes it will be able to complete corrective actions at the Oklahoma City, Pasadena, and St. Gabriel facilities. However, in light of ongoing uncertainties related to stay at home orders, supply chain issues, and workforce availability, Harcros wanted to identify these final corrective actions as potentially impacted by COVID-19. As you know, the Oklahoma City and Pasadena facilities are scheduled to close this year. The status of Pasadena is provided above. Oklahoma City remains on track to close by the end of May 2020, but the pandemic is already causing delays which could potentially cause Harcros to miss the final corrective action date. This, coupled with springtime weather-related delays that are anticipated in Oklahoma City creates uncertainty regarding meeting the deadline. If Harcros determines the deadline will likely be missed, we will notify EPA. St. Gabriel is currently on track to have the corrective actions completed on time, however, it is currently on partial shutdown as employees tested positive for COVID-19. In addition, out of state contractors are trying to find local subcontractors to prevent travel. Any further delays could cause us to miss the final corrective action date.

If you have any questions about the information contained in this letter or the accompanying spreadsheets, I can be contacted at (913) 621-7891.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Jack Cleary

Sarah LaBoda & Dave Hensley
Quarterly Report
April 15, 2020

Harcros Chemicals Inc.
Vice President Risk Management and Regulatory Affairs

Attachments

cc: Ryan Doyle, Harcros Chemicals Inc.
David Tripp, Stinson LLP
Brittany Barrientos, Stinson LLP

)	
In the Matter of:)	
)	
)	
Howard Gross)	Docket No. TSCA-01-2019-0050
466 Central Avenue, Suite 9)	
Dover, New Hampshire 03820)	Proceeding under Section 16(a) of
)	the Toxic Substances Control Act,
Respondent)	15 U.S.C. § 2615(a)
)	
)	
)	
)	

NOW COMES Howard Gross, Respondent in the above-captioned matter, by and through his attorneys, and respectfully moves for a 60 day extension of time to answer the Administrative Complaint in this matter on the following grounds:

1. Mr. Gross was served with the Administrative Complaint by certified mail on or about October 2, 2019, requiring an answer by November 1, 2019.
2. Mr. Gross and his then-counsel for this matter met with Tim Conway and Jordan Alves to discuss the Administrative Complaint and related issues on October 31, 2019.
3. On November 12, 2019, January 13, 2020, and February 26, 2020, the Hearing Officer granted Mr. Gross' assented to motions to extend the time to answer until March 30, 2020, to allow the parties to continue to negotiate a resolution of this matter. In her Order dated February 26, 2020, the Hearing Officer stated that absent "extraordinary circumstances," no additional extensions would be granted.

4. After the February 26 Order was issued, the United States Government declared a National State of Emergency associated with the pandemic caused by the COVID-19 virus, and both the states of New Hampshire, where Mr. Gross lives and works, and Massachusetts, have severely curtailed virtually all commercial, government and university activity, and essentially shut down the court system. Mr. Gross is a 65 year old criminal defense lawyer in Dover, New Hampshire. Because of his age, which makes him more susceptible to severe illness from the COVID-19 virus, and nature of his occupation, which has been disproportionately impacted by the court closing, his ability to earn income has been, at least temporarily, almost entirely cut-off.

5. The parties are close to reaching a resolution regarding the amount of civil penalty that would be imposed in this matter. Until now, Mr. Gross has not asserted an ability to pay defense in this matter, but in light of the unprecedented events associated with the COVID-19 pandemic, Mr. Gross is uncertain whether and when he will be able to earn income in the future. If the COVID-19 national emergency resolves in the next couple of months, Mr. Gross should be in a position to complete the settlement of this matter on terms that have been discussed with EPA's counsel. Nonetheless, equity and practicality dictate that Mr. Gross should be allowed a reasonable amount of time to determine the impact of the pandemic on his ability to pay any penalty in this matter.

6. By any measure, the current National Emergency associated with the COVID-19 pandemic qualifies as an "extraordinary circumstances" that justifies extending the deadline for Mr. Gross to file an answer in this matter.

7. I spoke with Tim Conway, EPA's counsel in this matter, and he stated that given the unusual circumstances, EPA would not object to a sixty day extension of time to answer.

WHEREFORE, Howard Gross respectfully requests a 60 day extension of time to answer the Administrative Complaint, until May 30, 2020.

Dated: March 19, 2020

Respectfully Submitted,



George E. Olson (BBO# 567669)
Olson Law Office
141 Tremont Street, Third Floor
Boston, Massachusetts 02111
(617) 248-2246
golson@gedolsonlaw.com

In the Matter of Howard Gross, Respondent

Docket No. TSCA-01-2019-0050

CERTIFICATE OF SERVICE

I hereby certify that, on March 19, 2020, the foregoing Fourth Assented to Motion for Extension of Time to Answer Administrative Complaint was delivered via email to the following addressees:

Wanda Santiago
Regional Hearing Clerk
US EPA Region 1
5 Post Office Square, Suite 100 (Mail Code 04-6)
Boston, Massachusetts 02109-3912
R1_Hearing_Clerk_Filings@epa.gov

Timothy M. Conway
Senor Enforcement Counsel
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100 (Mail Code 04-3)
Boston, Massachusetts 02109-3912
Conway.Tim@epa.gov

HOWARD GROSS,
By his attorney,


George E. Olson (BBO# 567669)
Olson Law Office
141 Tremont Street, Third Floor
Boston, Massachusetts 02111
(617) 248-2246
golson@gedolsonlaw.com

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF:

Howard Gross
466 Central Avenue, Suite 9
Dover, New Hampshire,

Respondent.

**Order Granting Fourth Extension
of Time to File Answer to
the Complaint**

EPA Docket No.
TSCA-01-2019-0050

ORDER

In accordance with 40 C.F.R. §§ 22.7(b) and 22.16(c), for good cause shown, Respondent is granted a fourth, 60-day extension of time to file an answer to the complaint. Respondent represents that Complainant has assented to this request.

Pursuant to the Consolidated Rules of Practice at 40 C.F.R. Part 22, the original deadline for the submission of an answer has been delayed by approximately five months. See 40 C.F.R. § 22.15(a). As stated in my previous order granting a third extension, absent extraordinary circumstances, I would not grant any additional extensions of time for the submission of an answer. Since granting the third extension, however, governmental, academic, private non-profit and commercial activities have been extremely curtailed as the result of the pandemic caused by the COVID-19 virus. Respondent states that because his ability to earn income has been “almost entirely cut-off” by the response to this pandemic, he requires additional time to determine his financial ability to pay the penalty that will be imposed by the settlement of this matter.

Accordingly, because the requested 60-day extension would end on Saturday, May 30th, the deadline for Respondent to file an answer to the complaint is extended until the close of business on Monday, June 1, 2020.

SO ORDERED:

LEANN JENSEN Digitally signed by LEANN
JENSEN
Date: 2020.03.25 14:09:42 -04'00'

LeAnn Jensen
Regional Judicial Officer, U.S. EPA Region 1

Bhatt, Krishna

From: Mastro, Donna
Sent: Friday, May 8, 2020 1:54 PM
To: Mastro, Donna
Subject: FW: IEI - Consent Agreement

Importance: High

From: Dr Saurabh Naik <naik@ieiplastics.com>
Sent: Tuesday, April 7, 2020 10:18 AM
To: Weiss, Cynthia <Weiss.Cynthia@epa.gov>
Subject: RE: IEI - Consent Agreement

Good morning

Hope you and your family is safe

Like rest of the country, we have been shut down for last few weeks. I saw SBA loans are forgiven for few months due to the shut downs.

Do you have any program to forgive penalty for few months until things come back to normal.

Please check

Thank you

Dr Saurabh Naik
CEO

Intercontinental Export Import Inc.,
8815 Centre Park Dr., Suite 400,
Columbia, MD 21045

Phone : [410-674-5600](tel:410-674-5600)

Cell : [410-984-9040](tel:410-984-9040)

Fax : [443-577-4000](tel:443-577-4000)

Email : naik@ieiplastics.com

Web : www.ieiplastics.com

From: Weiss, Cynthia <Weiss.Cynthia@epa.gov>
Sent: Friday, March 6, 2020 12:49 PM
To: Sunny Naik <sunny@sirnaik.com>; Dr Saurabh Naik <naik@ieiplastics.com>
Cc: Pandya, Perry <pandya.perry@epa.gov>
Subject: RE: IEI - Consent Agreement

Thank you for clearing that up.

Cynthia T. Weiss
Senior Assistant Regional Counsel

(215) 814-2659

From: Sunny Naik <sunny@sirnaik.com>
Sent: Friday, March 6, 2020 12:46 PM
To: Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Dr Saurabh Naik <naik@ieiplastics.com>
Subject: RE: IEI - Consent Agreement

Hello Cynthia

Yes the reports for Greenhills road for 2019 have been submitted to the WV hazconnect system. This was confirmed with Doug Cummings, WVSERC Tier 2 Manager in Charleston. The report is attached here.

Thank you

Sunny Naik
IEI
410-948-2421

From: Weiss, Cynthia <Weiss.Cynthia@epa.gov>
Sent: Friday, March 6, 2020 12:04 PM
To: Sunny Naik <sunny@sirnaik.com>; Saurabh Naik (<naik@ieiplastics.com>) <naik@ieiplastics.com>
Subject: FW: IEI - Consent Agreement

Gentlemen,

Please let me know whether Tier IIs were submitted for the Greenhills Road facility and, if so, provide proof of submission. If the amount of talc present at the facility during calendar year 2019 did not exceed the threshold, provide proof that the old Tier IIs were corrected.

Please contact me with any questions. Thanks,
--Cindy

Cynthia T. Weiss
Senior Assistant Regional Counsel
(215) 814-2659

From: Weiss, Cynthia
Sent: Wednesday, January 22, 2020 11:25 AM
To: Sunny Naik <sunny@sirnaik.com>; Dr Saurabh Naik <naik@ieiplastics.com>
Cc: Pandya, Perry <pandya.perry@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>
Subject: RE: IEI - Consent Agreement

Sunny,

As we discussed, EPA reviewed the Tier IIs for the Greenhills Road facility. All of them misspell the word "talc" as "takc."

You told me that one way or another, this mistake will be corrected. This week, you will be verifying that the amount of talc present at the facility meets the threshold for reporting. If the amount of talc present does not exceed the

threshold, you will simply correct the old Tier IIs. If the amount of talc exceeds the threshold, the new Tier IIs will not contain this mistake. When the (new or corrected) Tier IIs are submitted, please send us documentation.

Appreciate it,
--Cindy

Cynthia T. Weiss
Senior Assistant Regional Counsel
(215) 814-2659

From: Sunny Naik <sunny@sirnaik.com>
Sent: Wednesday, January 8, 2020 1:10 PM
To: Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Dr Saurabh Naik <naik@ieiplastics.com>
Subject: RE: IEI - Consent Agreement

Hello Cynthia

I am attaching the reports for the Greenhills Road location for 2017, 2018, 2019 which should that talc has been reported for these locations.

These reports were filled on 9/25/2019 using <https://westvirginia.hazconnect.com/> Teir 2 manager.

Please let me know if there is any additional information which you need.

Thank You

Sunny Naik
IEI
410-948-2421

From: Weiss, Cynthia <Weiss.Cynthia@epa.gov>
Sent: Wednesday, January 8, 2020 9:30 AM
To: Dr Saurabh Naik <naik@ieiplastics.com>
Subject: RE: IEI - Consent Agreement

Thanks, Dr. Naik,

Thank you for reviewing the CAFO and signing the signature page.

You added a date to paragraph 140. It was our understanding that the Tier II filed on 9/25/2017 did not include talc. Please forward via email a copy of the submitted Tier II to show that talc was reported for the Greenhills Road facility. If the Tier II needs to be corrected and resubmitted, please let us know.

In drafting the CAFO, I neglected to put a date line on your signature page. Please add a date to the page and resend via email. Also, in order to finalize the CAFO, we have to receive the original signature page from you. Please send the original, signed and dated signature page to me at the address below., preferably by some tracked overnight system.

If you have any questions, please contact me.
--Cindy

Cynthia T. Weiss (3RC20)

Sr. Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 3

1650 Arch Street

Philadelphia, PA 19103-2029

(215) 814-2659

weiss.cynthia@epa.gov

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From: Dr Saurabh Naik <naik@ieiplastics.com>
Sent: Wednesday, January 8, 2020 8:56 AM
To: Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Sunny Naik <sunny@sirnaik.com>
Subject: RE: IEI - Consent Agreement

Signed agreement attached.

I have put date of 9/25/2017 as date of filing in paragraph 140.

Any questions, please let me know

Dr Saurabh Naik
CEO

Intercontinental Export Import Inc.,

8815 Centre Park Dr., Suite 400,

Columbia, MD 21045

Phone : [410-674-5600](tel:410-674-5600)

Cell : [410-984-9040](tel:410-984-9040)

Fax : [443-577-4000](tel:443-577-4000)

Email : naik@ieiplastics.com

Web : www.ieiplastics.com

From: Weiss, Cynthia <Weiss.Cynthia@epa.gov>
Sent: Thursday, December 19, 2019 9:34 AM
To: Saurabh Naik (naik@ieiplastics.com) <naik@ieiplastics.com>; sunny@sirnaik.com
Subject: IEI - Consent Agreement

Dr. Naik,

I have prepared a draft Consent Agreement/Final Order for your review. Please review the factual statements for accuracy.

Please note that paragraph 140 has a blank for a date. For purposes of the compliance certification, the document has to list the date on which you submitted Tier II forms for the talc at the Greenhills Road facility. If you have not yet done so, now is the time.

The signature page lists you as signatory for all four entities. Are you the president of each one?

If I haven't heard from you by the first week of January, I will contact you for your comments/corrections.

Thanks, and I look forward to resolving this matter expeditiously,

--Cindy

Cynthia T. Weiss (3RC20)
Sr. Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-2659
weiss.cynthia@epa.gov

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In Re: Intercontinental Export Imports, Inc.
EPA Docket Nos. CAA-EPCRA-03-2020-0040

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

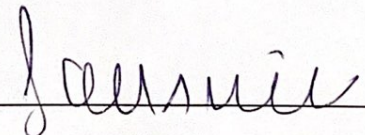
In the Matter of:	:	
Intercontinental Export Imports, Inc.	:	U.S. EPA Docket No.
8815 Centre Park Drive, Suite 400	:	CAA-EPCRA-03-2020-0040
Columbia, MD 21045	:	
	:	
RESPONDENT	:	

1. My name is Saurabh Naik. I am an adult over 18 years old and competent to testify to matters set forth in this Declaration.
2. I am currently the President & C.E.O. of Intercontinental Export Import, Inc (IEI), a Maryland corporation of which I am the Majority shareholder.
3. In response to the COVID-19 pandemic, IEI is taking major actions to ensure our operations are sustainable. Our intent is to endure through this difficult time period to ensure we can be a part of the West Virginia Strong movement to make a major comeback in securing jobs in the states which we employee Clerical, Manufacturing, Technical, Management, Drivers, and other classifications of employees.
4. IEI is in the early stage of implementing cash flow preservation measures to ensure that sufficient working capital is available to endure the remainder of the stay at home orders as well as the significant turn down in our automotive business sectors.
5. If payments in relation to the above Consent Agreement and Final Order of \$12,432.20 are required to be paid during this time our company will be unable to make necessary financial

decisions which directly impact the workforce in West Virginia. This payment will limit our ability to pay our essential workers who are handling products which are supporting critical industries in polymer production. Our customers require our services in order to keep their plants open producing products for medical, automotive, and building product industries.

6. With current situations at hand we have seen a significant slow down in customer payments. While we deal with many large sector clients and expect cash flow to turn around, we are uncertain of the timing of these actions. Many customer AR's are turning to 60-90 days with very limited ability to force collections. We are confident this is short term issues while the entire country is dealing with less than ordinary circumstances.
7. IEI is currently using critical accounting staff to analyze our financial status. We notice this is unusual time. Our goal is to be able to return to full volume workforce as the training and expertise of our staff is an irreplaceable factor of our business. Loss of valued employees would cause our business great stress and endanger our future.
8. IEI is requesting 3 months of payment forgiveness. This has been offered by other government sectors such as the SBA and would provide the maximum relief. In the event the EPA is unable to do so we would request a deferment of the payment for 90 days which will allow us to properly allocate all funds while we strive to return to normal operations.

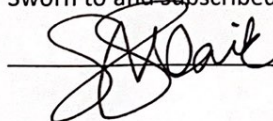
Dated: 4/27/2020

BY: 

Saurabh Naik

President & CEO of IEI, inc

Sworn to and subscribed before me this 27th day of April, 2020.

, Notary Public

Exp. 11/16/21

**SAUREEN NAIK DESAI
NOTARY PUBLIC
HOWARD COUNTY
MARYLAND**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF:)	
)	
)	
New England Industrial Uniform Rental Service)	EPA Docket No.
355 Union Street)	CAA-01-2020-0045
West Springfield, MA 01089)	
)	
Respondent.)	
)	

**ORDER TO MODIFY CONSENT AGREEMENT AND FINAL ORDER
TO EXTEND PENALTY PAYMENT DATE**

The Consent Agreement and Final Order (“CAFO”) for the above-captioned matter requires, among other things, that Respondent, New England Industrial Uniform Rental Service, Inc., pay a settlement penalty of \$51,700 by no later than 30 days after the CAFO’s effective date. *See* CAFO Paragraph 33. The CAFO was filed and became effective on March 11, 2020. *See* CAFO Paragraph 51 and Final Order. Accordingly, Respondent’s penalty payment is due by no later than April 10, 2020.

Subsequent to the CAFO’s effective date, the COVID-19 pandemic caused unexpected and unprecedented upheavals to the nation’s economy and public health. As a result, Respondent has experienced financial difficulties that have impaired its ability to timely pay the penalty. After reviewing information provided by Respondent, Complainant has determined that a sixty-day extension of time for Respondent to pay the civil penalty is in the best interest of the United States. *See* 40 C.F.R. § 22.31(c), 40 C.F.R. § 13.18. Accordingly, the parties have jointly moved to modify the CAFO, as provided by CAFO Paragraph 47, to extend Respondent’s

payment deadline by 60 days. Under this extension, Respondent's \$51,700 penalty and calculated interest of \$172 are due in full by June 9, 2020.

For good cause shown, Respondent's payment deadline is extended by 60 days. Respondent shall pay \$51,872, constituting its penalty plus interest, by no later than June 9, 2020.

SO ORDERED THIS 31ST DAY OF MARCH 2020:

**LEANN
JENSEN**

Digitally signed by
LEANN JENSEN
Date: 2020.03.31 13:58:41
-04'00'

LeAnn Jensen
Regional Judicial Officer
EPA Region 1

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:

New England Industrial Uniform
Rental Service, Inc.
355 Union Street
West Springfield, MA 01089

Proceeding under Section
113(d) of the Clean Air Act

Docket No. CAA-01-2020-0045

JOINT MOTION

Joint Motion to Extend Penalty Payment Deadline

In a Consent Agreement and Final Order (“CAFO”) filed on March 11, 2020, Respondent New England Industrial Uniform Rental Service, Inc., agreed to pay a \$51,700 penalty and abide by compliance terms set out in CAFO Appendix 1 in order to settle a Clean Air Act (“CAA”) enforcement action brought by Complainant EPA Region 1. Under the CAFO, Respondent agreed to pay the full penalty amount by no later than 30 days of the CAFO’s effective date, that is, by no later than April 10, 2020. Respondent is in compliance with the terms of CAFO Appendix 1 but has certified to EPA that Respondent is experiencing financial difficulties that have impaired its ability to timely pay the penalty resulting from the unprecedented economic and public health circumstances that have arisen after the CAFO’s effective date. Respondent has provided information to EPA describing these financial difficulties. After considering 40 C.F.R. § 13.18 and relevant EPA guidance, EPA has determined that a payment extension is in the government’s best interest in this case. Counsel for both parties propose a sixty-day extension to the penalty payment deadline, which will make Respondent’s \$51,700 penalty, plus calculated interest of \$172, due in full by June 9, 2020. EPA Region 1’s Director of the Enforcement and Compliance Assurance Division has concurred with this proposed extension.

On Behalf of Complainant EPA Region 1:

**STEVEN
VIGGIANI**

Digitally signed by STEVEN
VIGGIANI
Date: 2020.03.30 16:01:00
-04'00'

Steven J. Viggiani
Senior Enforcement Counsel
EPA Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

On Behalf of Respondent New England Industrial Uniform Rental Service, Inc.:

Christopher B. Myhrum
Law Office of Christopher B. Myhrum
1500 Main Street, Suite 2010
P.O. Box 15407
Springfield, MA 01115-5407

**CERTIFICATE OF SERVICE OF JOINT MOTION
TO EXTEND PENALTY PAYMENT DEADLINE**

I certify that I emailed to the office of the Regional Hearing Clerk of EPA Region 1 the original and one copy of a Joint Motion to Extend Penalty Payment Deadline (“Joint Motion”) in the above-captioned case, and sent a copy of the Joint Motion via email to Respondent through Respondent’s counsel at the email address set forth below:


VIA EMAIL (original and one copy):

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
R1_Hearing_Clerk_Filings@epa.gov

VIA EMAIL (copy):

Christopher B. Myhrum
Law Office of Christopher B. Myhrum
1500 Main Street, Suite 2010
P.O. Box 15407
Springfield, MA 01115-5407
chrismyhrum@myhrumlaw.com

**STEVEN
VIGGIANI**

 Digitally signed by STEVEN
VIGGIANI
Date: 2020.03.31 09:04:06
-04'00'

Steven J. Viggiani
Senior Enforcement Counsel
EPA Region 1
viggiani.steven@epa.gov

From: [Keenan, John](#)
To: [Marshallonis, Dino](#)
Subject: FW: Powertech Diesel -- EPA Request for Discovery
Date: Monday, April 6, 2020 4:57:28 PM

John E. Keenan
U.S. EPA
Region 10 (20-C04)
1200 Sixth Avenue - Suite 155
Seattle, WA 98101
206-553-1817

From: Janet Conway <Janet@cannonlawgroup.com>
Sent: Wednesday, April 1, 2020 8:14 AM
To: Keenan, John <keenan.john@epa.gov>
Subject: Re: Powertech Diesel -- EPA Request for Discovery

Thank you!

From: Keenan, John <keenan.john@epa.gov>
Sent: Wednesday, April 1, 2020 8:45 AM
To: Janet Conway <Janet@cannonlawgroup.com>
Subject: RE: Powertech Diesel -- EPA Request for Discovery

Janet: I'm sorry for the delay in this response. As you note, this situation has turned our lives upside down. I was able to get the attention of my director and he has approved an additional 60-day extension. Thank you for your efforts on this and take care.

John E. Keenan
U.S. EPA
Region 10 (20-C04)
1200 Sixth Avenue - Suite 155
Seattle, WA 98101
206-553-1817

From: Janet Conway <Janet@cannonlawgroup.com>
Sent: Monday, March 30, 2020 7:51 AM
To: Keenan, John <keenan.john@epa.gov>
Subject: Powertech Diesel -- EPA Request for Discovery

Dear John,

I apologize for the late email request for an additional extension of time to respond to your discovery request, which is due today. The covid-19 pandemic (b) (6) (b) (6), and I only just realized this matter fell off my radar.

While I have obtained the website parts sales records, (b) (6) before she was able to complete gathering of shop repair records. My client was in process of gathering the remaining requested records but the covid-19 pandemic has forced him to put 100% focus on keeping his business open, implementing critical health and safety measures for his staff and customers, and helping keep commercial trucks providing essential deliveries on the road during this crisis.

In light of the current situation, I hope you will excuse my tardy request and grant us another 60 day extension.

I hope you are faring well through this crazy time.

Regards,

Janet M. Conway

This message is intended only for the use of the Addressee and may contain information that is **PRIVILEGED** and **CONFIDENTIAL**. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify me immediately. Your receipt of this email in no way creates an attorney-client privilege as such will be done by formal written agreement between you and the Cannon Law Group, PLLC.

DEBT COLLECTION NOTICE: This firm collects debts. This communication may be an attempt to collect a debt. Any information obtained as a result of this communication or subsequent communications may be used to collect the debt.



GOBIERNO DE PUERTO RICO

Autoridad de Acueductos y Alcantarillados

April 15, 2020

Eng. Jaime Géliga, Chief

Municipal Water Programs Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency
City View Plaza II, Suite 7000
Guaynabo, Puerto Rico 00968-8069

COVID-19 CWA COMPLIANCE SITUATION NOTIFICATION

(CD & March 26, 2020 EPA Memorandum - COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program)

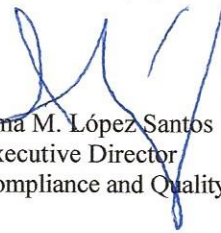
Dear engineer Geliga:

As you are aware, the Puerto Rico Aqueduct and Sewer Authority (PRASA) delivered electronically a notification letter on March 16, 2020 to the U.S. Environmental Protection Agency, Puerto Rico Department of Health and Puerto Rico Department of Natural and Environmental Resources invoking a Force Majeure Event as a result of the COVID-19 public health emergency and its implications on PRASA's ability to meet obligations set forth in any consent decree, administrative order, or inspection report among others. Also, stated was that if a delay or noncompliance arises concerning the performance of an obligation under any consent decree, administrative order, or inspection report among others, a report would be submitted explaining and describing such delay or noncompliance.

With such purpose and in accordance with our conversations regarding a periodic COVID-19 CWA Compliance Situation Report, PRASA informs the following:

CWA COMPLIANCE SITUATIONS			
Period: April 5 - 11, 2020			
PERIOD or DATE	FACILITY	REGION	PS – Pump Station/ SS – Sanitary Sewer/ SSL – Sanitary Sewer Line/ SSO – Sanitary Sewer Overflow/ STS – Sludge Treatment System/ WWTP – Wastewater Treatment Plant
SITUATION			
April 5 - 11, 2020	PS SSOs	EAST	Reporting using EPA Reporting Forms within 24-hrs of discovery
	SSL SSOs		
April 9, 2020	Rio Grande WWTP	EAST	At this facility, a suspected case of COVID-19 was notified. All the WWTP employees were withdraw on April 9, 2020 due to this emergency and PRASA's daily work activities and routine operations at this plant were affected. On April 10, 2020, the WWTP operations were resume, the employee COVID-19 test result was negative.
April 5- 11, 2020	Camuy/Hatillo WWTP emissary outfall	NORTH	On April 4 th , 2020, shore observation appear to reflect that the Outfall is compromised and leaking. Emergency repair works were requested and price quotes sought.
April 5 - 11 , 2020	Aguada WWTP	WEST	The centrifuge and filter press are out of service. In order to maintain sludge levels within the thickener tank, PRASA started on April 7, 2020 with suction, hauling and disposal services of approximately 200,000 gallons of liquid sludge to Mayagüez WWTP. For such purposes, emergency procurement processes have been activated. Also, the Maintenance group is carrying out a procurement and purchase process to repair the filter presses.

If you have any questions or to request additional information please call (787) 620-2277 ext. 2131 or at (787) 981-1395.


Irma M. López Santos
Executive Director
Compliance and Quality Control



Cumplimiento y Control de Calidad: #604 Avenida Barbosa, Hato Rey - PO Box 7066, San Juan, PR 00916-7066

O'NEILL & BORGES LLC
250 MUÑOZ RIVERA AVENUE, SUITE 800
SAN JUAN, PUERTO RICO 00918-1813

Jerry Lucas Marrero
Member
787-282-5729

TELEPHONE: (787) 764-8181
TELECOPIER: (787) 753-8944
Jerry.Marrero@oneillborges.com

April 2, 2020

VIA EMAIL: rachel.king@usdoj.gov

Rachel Evans King, Esq.
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section

VIA FEDERAL EXPRESS (NO.)

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, DC 20044-7611
Re: DOJ No. 90-7-1-09727

VIA FEDERAL EXPRESS (NO.)

Director, Water Quality Area
PR Environmental Quality Board
Environmental Agencies Building - Cruz A.
Matos (3rd Floor)
Urbanización San José Industrial Park
1375 Ponce de León Avenue
San Juan, PR 00926-2604

VIA EMAIL: aber.bruce@epa.gov

Bruce Aber, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 2

VIA FEDERAL EXPRESS (NO.)

UST Team Leader
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

VIA REGULAR MAIL

EPA Cincinnati Finance Office
26 Martin Luther King Drive
Cincinnati, OH 45268

Subject: *United States v. Chevron Puerto Rico, LLC,*
Civil Action No. 3:11-CV-1716; DOJ Case No. 90-7-1-09727
Notice of Temporarily Closed Facilities – Nos. 208, 650, 831 and 992
Notice of Force Majeure Event

On behalf of our client, Puma Energy Caribe, LLC (“Puma”), and in accordance with Section XIV of the Consent Decree dated and entered on September 28, 2011 in the United States District Court for the District of Puerto Rico, Civil Action No. 3:11-cv-01716, as modified (the “Consent Decree”), we hereby submit this Notice advising the U.S. Environmental Protection Agency (“USEPA”) and the U.S. Department of Justice (“USDOJ”), collectively, the “United States”, that Puma has “temporarily closed” Facilities Nos. 208, 650, 831 and 992. The Stipulation and Minor Modification of the Consent Decree, dated February 2, 2017 (the “Modification”), defines the term Temporarily Closed Facilities as “[f]acilities at which the UST system are in temporary closure and empty as defined in PR UST Regulation 701(A), and at which Defendant is neither operating the automated release detection [“ATG”] nor [the] centralized monitoring [system] [“CMS”].” See, Paragraph 5 of the Modification.

In accordance with the Modification, the United States will waive any stipulated penalties under the Consent Decree related to the operation of the ATG and the CMS at a Facility if Puma follows the steps listed in Paragraph 7 of the Modification, when it decides to temporarily close a Facility after the Modification Effective Date (February 2, 2017). In particular, Paragraph 7.a of the Modification requires Puma to notify the United States of the following:

- i. The date on which Defendant stopped the automated release detection system and centralized monitoring at the Temporarily Closed Facility;
- ii. The date(s) on which all UST system(s) at the Temporarily Closed Facility were emptied, capped, and secured in accordance with PR UST Regulation Rules 701(A) and 701(B)(2), unless the UST system(s) are not yet capped and secured at the time of the 30 day notice, in which case Puma shall provide within 90 days of that facility’s Temporary Closure, a notice to EPA pursuant to Decree Section XIV (Notices) providing the date on which the UST system(s) were capped and secured.

In addition, the Modification requires that Puma make a \$5,000.00 payment per Temporarily Closed Facility after stopping the ATG and CMS. See, Paragraph 7.b of the Modification.

In accordance with the requirements of Paragraph 7 of the Modification, Puma hereby provides notice that:

- 1) The ATG and CMS stopped operating at **Facility No. 831** on March 4, 2020.
- 2) The ATG and CMS stopped operating at **Facility No. 208** on March 10, 2020.
- 3) The ATG and CMS stopped operating at **Facility No. 650** on March 25, 2020.

- 4) The ATG and CMS stopped operating at **Facility No. 992** in March 2020, but it was reconnected – and now uncertain when it will be disconnected again.

Note that the UST System located at each of these facilities above has not yet been capped and secured. Puma will make its best effort to proceed with the cap and secure of the UST System at these Facilities and, thereafter, notify the United States, pursuant to Paragraph 7 of the Modification, subject to the existing limitation present. See, notice further down below.

Also, Puma hereby provides evidence that it has paid the amount required in Paragraph 7.b of the Modification; that is, the \$20,000.00 required payment for the aforementioned Facilities. See, **Exhibit 1** - copy of the Fedwire Electronic Funds Transfer form as required under Section IV of the Consent Decree.

Notice of Force Majeure Event: COVID-19¹

On Sunday, March 15, 2020, and in response to the COVID-19 pandemic affecting the Island, the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, issued Executive Order No. 2020-023 (the “Executive Order”) to establish the official public policy to addressing and preclude or minimize the spread of the virus in Puerto Rico and protect the health of our citizens. See, **Exhibit 2**. The Executive Order mandates, among others, a lockdown, the closing of all businesses and a citizen curfew from 9:00PM to 5:00AM – exempting those related to providing health services such as hospitals. During the time outside the curfew period, businesses in the food distribution chain and gas stations are authorized to operate. The mandatory closing was originally going to be in effect from March 15, 2020 through March 30, 2020. However, on March 30, 2020, through Executive Order No. 2020-029, the Governor extended the mandatory lockdown until April 12, 2020 - and established an even stricter curfew – from 7:00PM to 5:00AM. See, **Exhibit 3**. It is uncertain, at this time, whether the Executive Order – as currently exists - will be extended for a longer period.

The COVID-19 pandemic and the mandate by the Governor of Puerto Rico arose beyond the control of Puma. The limitations (lockdown and curfew) imposed thereat may likely cause the delay of the cap and secure activities at the four Facilities mentioned above (as an activity not exempted by the Executive Order) – as well as the notice required thereafter in the Consent Decree; this is, at least the way to providing it via mail or other types of delivery such as by first class U.S. mail, certified or registered mail, by Federal Express or by the equivalent overnight service to the mailing addresses provided in the Consent Decree. Please note that, even though the Consent Decree allows for notices to be provided via e-mail, the Consent Decree does not include the e-mail address of the appointed persons (recipients) of the notice.²

¹ It to note that On January 6, 2020, Puma, USDOJ and USEPA jointly requested the Court to issue and order terminating the Consent Decree. Unfortunately, as of today, no such an order has been issued by the Court.

² Pursuant to Section I.C.2 of the USEPA’s Memorandum issued on March 26, 2020, *COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program*, instructs parties (such as Puma) to utilize the notice procedures, including notification of a force majeure event as set forth in their respective consent decrees.

Accordingly, Puma will not be able to meet the requirement included in Paragraph 81 of the Consent Decree which imposes the obligation that Puma send notices by first class U.S. mail, certified or registered mail, by Federal Express or by the equivalent overnight service to the mailing addresses provided in the Consent Decree. Nonetheless, to address the issue of no having the Consent Decree designated recipients' e-mail address, Puma is hereby e-mailing these notices – Temporarily Closed Facilities and Notice of *Force Majeure* - to the e-mail addresses known to us; this is, the USEPA and USDOJ legal counsels.

Last, Puma does not expect and hopes that the *force majeure* does not last a long period of time, but the mandatory lockdown and curfew measures imposed by the Government of Puerto Rico are beyond its control. Puma will continue to use its best efforts to undertake the cap and secure – to the extent is allowed in the future - and notify the USEPA and the USDOJ of the same via the same mean (to the e-mails of USDOJ and USEPA attorneys) unless Puma is instructed otherwise.

Please let us know if you have any questions or concerns regarding this matter.

Sincerely,

/e-signed/
Jerry Lucas Marrero

Enclosures

cc: Nadja S. Dávila, Puma
(via email: Nadja.Davila@pumaenergy.com)
acctsreceivable.CINWD@epa.gov

Accordingly, Puma is hereby providing this Notice of *Force Majeure* Event (“Notice of *Force Majeure*”), as described herein.


EXHIBIT 1

<input type="checkbox"/>	<u>Post Date</u>	<u>Reference</u>	<u>Additional Reference</u>	<u>Image</u>	<u>Description</u>	<u>Debit</u>
<input type="checkbox"/>	03/25/2020 02:59 PM (ET)				OUTGOING MONEY TRANSFER WIRE OUT -US DEPARTMENT OF JUSTICE 202003250000565	\$20,000.00


GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO

Administrative Bulletin No.: OE-2020-023

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. WANDA VÁZQUEZ-GARCED, TO IMPLEMENT THE NECESSARY CLOSURE OF GOVERNMENTAL AND PRIVATE SECTOR OPERATIONS IN ORDER TO COMBAT THE EFFECTS OF CORONAVIRUS (COVID-19) AND TO CONTROL THE RISK OF INFECTION ON OUR ISLAND.



WHEREAS: Rulers are characterized by their interest in seeking the well-being of all their citizens. For this reason, as the Governor of Puerto Rico, on March 12, 2020, I declared a state of emergency across our island amid the threat of the coronavirus or COVID-19 global pandemic. This makes making every effort to safeguard the health, life, and safety of all Puerto Ricans the highest priority of my government. With the purpose of minimizing the potential of infection and transmission entailed by this terrible viral threat and given that it threatens the health of our citizens, we hereby issue Executive Order 2020-23.



WHEREAS: As we all know, as of today, the first 5 positive cases of coronavirus or COVID-19 infection have been reported in Puerto Rico. It is therefore imperative that we all take the highest preventive and caution measures, and that the government take all the necessary measures to control the spread of the virus that is affecting our citizens. We reaffirm that the Government of Puerto Rico is fully committed to ensuring the well-being and protection of our citizens.

WHEREAS: In order to prevent the spread and infection of COVID-19 on our Island, the Government of Puerto Rico has taken and will take all necessary steps to ensure the well-being of all citizens.

WHEREAS: The Centers for Disease Control and Prevention (CDC) has been taking public health and safety measures throughout the United States in response to the spread of COVID-19.

WHEREAS: In view of the above, the Puerto Rico Department of Health has stated that it is imperative that measures be taken to prevent the spread of the COVID-19 virus. This is in accordance with Art. VI. Sec. 5-6 of the Constitution of Puerto Rico, L.P.R.A, Volume 1; and Art. 1 of Act No. 81 of March 14, 1912, as amended, known as the *Puerto Rico Health Department Act*, 3 L.P.R.A sec. 171 ("Act No.



I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.

81"). These measures have been taken and have been notified to our citizens from March 12, 2020. To date, despite all warnings and recommendations to stay at home, the importance and seriousness of the threat has not been entirely assimilated, with some people staying outside their homes until late at night and gathering in groups in public places, thus endangering their health and the health of others and putting themselves at risk of becoming infected and spreading this terrible and lethal virus. This situation has required me to take stronger measures for the benefit and protection of our people.

WHEREAS:

Article 6.10 of Act 20-2017, as amended, known as *the Puerto Rico Public Safety Department Act*, empowers the Governor to declare a state of emergency on our Island, and "[...] to amend and repeal any regulation, as well as to issue, amend, and rescind any order as it may deem appropriate in order to rule during the state of emergency or disaster."

THEREFORE:

I, **WANDA VÁZQUEZ-GARCED**, Governor of Puerto Rico, by virtue of the authority vested in me by the Constitution and the Laws of Puerto Rico, hereby DECLARE and ORDER the following:

Section 1:

In accordance with the state of emergency declared under Administrative Bulletin No. OE-2020-020 of March 12, 2020, it is hereby acknowledged that we are facing major threat circumstances that are putting the health of our citizens at risk. In view of the disregard and lack of prudence shown by some citizens who have failed to understand the seriousness of the declared emergency, it has become necessary to take stringent measures that will promote full compliance and respect for the isolation and quarantine orders that have been issued.

Section 2:

Under the powers conferred by Sections 5 and 6 of Art. VI of the Constitution of Puerto Rico, by Art. 1 of Act No. 81, and by Act No. 20-2017, a curfew is hereby ORDERED for all citizens, starting today at 9 p.m., during which everyone will be required to remain in their homes, as specified below.

It is hereby ordered that any person who has reasonable suspicion that he or she may have been exposed to the COVID-19, whether or not they are showing signs or symptoms of infection, and in order to prevent or limit the transmission and spread of the virus, shall remain in quarantine for fourteen (14) days as of the issuance of this Order. This implies that the person must strictly remain at home and limit his



or her activities outside their home to receiving medical treatment or care, in order to prevent the risk of infection within the community.

Section 3:

It is further ORDERED that social distancing be enforced by any person who has been infected or who has a reasonable suspicion that he or she may have been infected with the COVID-19 virus for fourteen (14) days from the date of this order, as well confining or restricting their activities to their home, according to medical instructions, in order to ensure their health and to prevent them from posing a risk to public health and preventing transmission to non-infected persons.

Section 4:

By virtue of the powers granted by the Constitution and the Laws of Puerto Rico, the closure of all governmental operations is hereby ORDERED, except for those related to essential services. This includes the closure of all businesses in Puerto Rico starting today, March 15, 2020, at 6:00 p.m. until March 30, 2020, unless otherwise provided, except for food retail or wholesale businesses providing services through drive-thru, carry-out, or delivery only, including prepared foods, medications or medical equipment, pharmacies, supermarkets, gas stations, banking or financial institutions, nursing homes, or other businesses related to the food, medical products, or fuel supply chains.

Section 5:

This order for total closure shall apply to shopping centers, movie theaters, dance clubs, concert halls, theaters, game or gambling rooms, casinos amusement parks, gyms, bars, or any similar place or event that may promote the gathering of a group of citizens in the same place.

Section 6:

This curfew will allow citizens to travel or walk along public roads from 5:00 a.m. to 9:00 p.m. only on the following circumstances:

- (a) Purchasing food, pharmaceutical, and basic necessity products;
- (b) keeping medical appointments or visiting a hospital, laboratory, or healthcare facility;
- (c) going or coming from a workplace whose closure has not been ordered hereunder, public and private employees who perform essential work;
- (d) returning to your usual place of residence from an allowed activity;
- (e) to provide assistance, care, transportation of senior citizens, children, dependents, people with disabilities or people who require any type of medical or professional attention. The above, provided that all necessary precautions are taken to prevent infection;
- (f) visiting financial institutions.

Section 7: During the curfew, citizens may only travel on public roads in an emergency situation.

The curfew shall continue until March 30, 2020. Individuals authorized under this Order due to work and/or emergency reasons shall be excluded from this curfew.

The provisions of this Section shall not apply to individuals duly identified as public or private security agency employees at the state and federal level, health professionals; hospital, personnel working in hospitals, pharmacies, pharmaceutical companies, bioscience facilities or health centers; personnel working in the wholesale food and product manufacturing and supply chain, from their origin to consumer retail outlets; personnel working with utilities or critical infrastructure; call centers; ports and airports personnel; members of the press; or citizens who are addressing emergency or health situations. These individuals shall be authorized to travel on public roads to and from work when necessary.

It is hereby ordered that the Puerto Rico Police Department and the Public Safety Department take all necessary measures to enforce the provisions of this Executive Order.

Section 8:

Failure to comply with the provisions contained in this Emergency Executive Order by any person and/or business shall result in the implementation of criminal penalties and fines as provided by all applicable laws, as well as by Act No. 20-2017, as amended, which establishes a term of imprisonment not to exceed six (6) months or a fine not exceeding five thousand dollars (\$5,000), or both penalties, at the discretion of the court, for any person who fails to comply with the evacuation orders issued by the Public Safety Department or its Bureaus.

Section 9:

DEROGATION. This Executive Order supersedes any other executive order that may be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 10:

VALIDITY. This Executive Order shall enter into force immediately and shall remain in force until March 30, 2020, and/or until further notice.

Section 11:

NON-CREATION OF ENFORCEABLE RIGHTS. This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other

person.

Section 12: PUBLICATION. This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.



IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 15th day of March of 2020.

A blue ink signature of Wanda Vázquez-Garced, written in a cursive style.

WANDA VÁZQUEZ-GARCED
GOVERNOR

Enacted in accordance with the law on this 15th day of March of 2020.

A blue ink signature of Elmer L. Román González, written in a cursive style.

ELMER L. ROMÁN GONZÁLEZ
SECRETARY OF STATE

GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO

Administrative Bulletin No.: 2020-029

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. WANDA
VÁZQUEZ-GARCED, EXTENDING THE MEASURES TAKEN TO CONTROL THE
SPREAD OF THE CORONAVIRUS, COVID-19, IN PUERTO RICO.

WHEREAS: Government authorities are characterized by their interest in seeking the well-being of all their citizens. For this reason, as the Governor of Puerto Rico, I issued Administrative Bulletin No. 2020-020, on March 12, 2020, declaring a state of emergency across our island amid the threat of a global pandemic such as the one posed by the coronavirus (hereinafter, COVID-19).

WHEREAS: Because it is my priority to make all necessary efforts that would allow me to safeguard the health, lives, and safety of all Puerto Ricans, on March 15, 2020, after six (6) COVID-19 cases had been confirmed, I signed Administrative Bulletin No. 2020-23, hereinafter OE 2020-023, to facilitate the necessary closures both in the government and in the private sector, with the goal of preventing the spread of COVID-19. Said order was in effect until March 30, 2020.

WHEREAS: Medical experts from around the world state that social distancing is one of the recommended measures for halting the spread of COVID-19.

WHEREAS: In light of the emergency facing Puerto Rico, I issued Administrative Bulletin 2020-027, which creates the Executive Medical Advisory Task Force, who, as part of their duties, recommended extending the measures taken by the Governor for an additional period in order to contain the spread of COVID-19.

WHEREAS: On March 11, 2020, the World Health Organization declared the respiratory disease caused by the novel coronavirus SARS-CoV-2, known as the coronavirus or COVID-19, a global health and social crisis at a pandemic level that required effective and immediate action from all governments and jurisdictions throughout the world.

WHEREAS: On March 12, 2020, Administrative Bulletin No. OE-2020-020 was issued, whereby a state of emergency was declared in order to implement all the necessary measures for safeguarding the health, well-being, and safety of everyone in Puerto Rico in light of the imminent threat posed by COVID-19.

WHEREAS: On March 13, 2020, the President of the United States of America, Honorable Donald J. Trump, issued a national emergency declaration due to the development and exponential spread of COVID-19 in the community being experienced throughout the United States.

WHEREAS: Since *Gibbons v. Ogden*, 22 U.S. (1824), the Supreme Court of the United States of America has upheld the legal authority of state jurisdictions to take all necessary measures to protect public health.

WHEREAS: In the event that an epidemic threatens the health of the people of Puerto Rico, Act 81 of March 1912, as amended, known as the *Health Department Act*, empowers the Department of Health to take any measures it may deem necessary to combat said threat,

including any procedures to isolate and quarantine people who have been exposed to or who have contracted infectious diseases that pose a threat to public health, in accordance with the provisions of Regulation 7380, known as the *Regulation for Quarantine and Isolation*.

WHEREAS: Article 6.10 of Act 20-2017, as amended, known as the *Puerto Rico Public Safety Department Act*, empowers the Governor to declare a state of emergency on our Island, and "to establish or modify state regulations, orders, plans, or measures for emergencies or disasters as deemed necessary," as well as "to enact, amend or repeal any regulation, and to enact, amend, or rescind any order as deemed appropriate during the state of emergency or disaster."

WHEREAS: There are currently over seven hundred forty thousand (740,000) documented cases of people infected with COVID-19, as well as over thirty-five thousand (35,000) deaths related to this disease worldwide.

WHEREAS: In the United States, there have been approximately one hundred forty thousand (140,000) confirmed cases of people infected with COVID-19, and over two thousand four hundred (2,400) deaths caused by this disease.

WHEREAS: All fifty (50) states of the United States of America, as well as the District of Columbia, have issued emergency declarations at the state level due to the threat posed by the COVID-19.

WHEREAS: The severity of the situation presented by this epidemiological emergency and the ease with which COVID-19 is transmitted from person to person have led around twenty-six (26) states in the United States to issue "stay-at-home" orders, prohibiting people within their respective territories from going outside except for essential business, as well as closing all public and private establishments that are not essential to managing the emergency (e.g. Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, West Virginia, and Wisconsin).

WHEREAS: It is the Government of Puerto Rico's utmost priority to make all necessary efforts to safeguard the health, lives, and safety of all Puerto Ricans, including implementing difficult but necessary measures in order to prevent and control the spread of the virus, as recommended by experts.

WHEREAS: On March 15, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-23 in order to facilitate the necessary closures, both in the government and in the private sector, and to decree a lockdown with the goal of slowing down and halting the spread of COVID-19.

WHEREAS: Administrative Bulletin OE-2020-026 created an Executive Medical Advisory Task Force ("Medical Task Force") for COVID-19, which is in charge of developing and implementing studies, research, and strategic plans in collaboration with the Department of Health in order to manage the COVID-19 emergency, as well as to advise the Governor of Puerto Rico and the Secretary of Health in the decision-making process regarding public health and other matters related to this emergency.

WHEREAS: Administrative Bulletin No. OE-2020-023 was in effect until March 30, 2020, a date when the COVID-19 Executive Medical Advisory Task Force believes it is not yet advisable to lift the social distancing measures established by said Executive Order.

WHEREAS: Medical experts around the world, including members of the Executive Medical Advisory Task Force, state that social

distancing is the most effective and recommended measure for combating the spread of COVID-19.

WHEREAS:

As of today, over one hundred (100) cases of infected people have been confirmed in Puerto Rico, and there have been six (6) deaths as a result of this disease.

WHEREAS:

The projections outlined by the COVID-19 Executive Medical Advisory Task Force for the potential exponential spread that would result from lifting the social isolation measures show that it is vital to extend the lockdown and the private and public closure measures.

WHEREAS:

This Government Administration recognizes that these measures must be accompanied by mechanisms that allow for the operation of industries, services, and sectors of the economy that are necessary to respond to this emergency adequately and effectively.

WHEREAS:

On March 28, 2020 the Cybersecurity & Infrastructure Security Agency of the United States National Security Agency published a document titled *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response*, whereby certain parameters were established to help state and local governments determine which activities, businesses, jobs, and industries can be considered essential within the context of the emergency created by COVID-19 (hereinafter referred to as "The Guide").

WHEREAS:

The Guide was issued in order to assist public officials in their role of protecting the community while ensuring the continuation of services that are critical to public health and safety and to economic security.

WHEREAS:

The Guide provides that the decision over what constitutes an essential business or activity isn't definitive, but rather that public health considerations linked to concerns specifically related to COVID-19 in each jurisdiction should be taken into account.

WHEREAS:

Puerto Rico continues to face a severe threat due to the COVID-19 pandemic, which endangers the health of our citizens.

THEREFORE:

I, **WANDA VÁZQUEZ-GARCED**, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority vested in me by the Constitution and the Laws of the Government of Puerto Rico, hereby DECLARE and ORDER the following:

Section 1:

LOCKDOWN. A lockdown is hereby established in Puerto Rico. Every citizen on the island of Puerto Rico is instructed to remain at their place of residence or shelter 24 hours a day, 7 days a week during the lockdown period, which shall run from March 31, 2020 to April 12, 2020 at 12 o'clock midnight, inclusive. Any citizen who is not covered under any of the specific exemptions described below herein may leave their homes between 5:00 AM and 7:00 PM **exclusively** under the following circumstances:

(a) to go to a medical appointment, the hospital, laboratories, or hospital-medical centers;

(b) in order to provide assistance, care, food, and transportation to senior citizens, minors, dependents, people with disabilities, or particularly vulnerable people who require medical or professional assistance, as long as proper precautions are taken to prevent infection;

(c) to acquire food, pharmaceutical products, and essential supplies;

(d) to visit a financial institution for emergency business;



(e) to receive exempted services, which are specified in subsequent sections of this Order;

(f) to provide any of the services which have are specified to be exempt in subsequent sections of this Order.

While this Order is in effect, any owner and/or person in charge of a residence who allows people outside their family unit to congregate in order to hold meetings, gatherings, parties, or any activity not permitted under this order in said residence and its surroundings, shall be considered to be in violation of the executive order and shall be subject to the penalties established by law.

Section 2:

USE OF MOTOR VEHICLES. It is hereby ordered that, starting on Wednesday, **April 1st**, concerning the use of motor vehicles, and ONLY when (a) acquiring food, pharmaceutical products, and essential supplies (b) visiting financial institutions or (c) receiving any of the services specified to be exempt in subsequent sections of this Order, citizens shall ONLY be allowed to leave their residences in an orderly manner on **Mondays, Wednesdays, and Fridays** if the license plates assigned to their vehicles by the Department of Transportation and Public Works (DTPW) end in even numbers (**0, 2, 4, 6, 8**). Citizens whose vehicles' license plates end in odd numbers (**1, 3, 5, 7, 9**) may go out on **Tuesdays, Thursdays, and Saturdays**. License plates that end with a letter shall be considered to end in an even number for the purposes of this Order.

Aside from the aforementioned circumstances, citizens may ONLY leave their residences, regardless of their vehicles' license plates: 1) due to an emergency (Section 1, subsections a and b), 2) to go to work at any of the workplaces permitted in this Order, as long as they can provide evidence that they are doing so (Section 5), or 3) to provide any of the services allowed under this Order, as long as they can provide evidence that they are doing so (Section 6).

Section 3:

BREACH OF THE LAW. In accordance with the state of emergency declared through Administrative Bulletin No. OE-2020-020 of March 12, 2020, it is hereby acknowledged that there is currently a high-risk situation that threatens to jeopardize the health of our citizens. It has been demonstrated and recommended by the Medical Task Force that the lockdown and social isolation of citizens is the correct measure for combating the contagion. Due to their failure to observe the rules and the lack of judgment of some citizens in failing to understand the seriousness of the declared emergency, it is necessary to implement stronger security measures that will promote respect and compliance with the quarantine and isolation orders issued.

Section 4:

QUARANTINE ORDER. Under the powers granted by the Constitution of Puerto Rico and by Act 20-2017, we reiterate that every person who is reasonably suspected to have been exposed to COVID-19, regardless of whether they show signs of being infected, is hereby ordered to remain in quarantine for a period of 14 days in order to prevent or limit the transmission and spread of the virus. This means that said person must remain strictly at home and restrict their movement outside their home in order to prevent the risk of infection within the community. It is further ordered that any person who has been diagnosed with COVID-19, or who is reasonably suspected to have been infected with COVID-19 must socially isolate for 14 days, according to medical instructions, in order to ensure the health of said person, as well as to prevent them from posing a risk to public health and preventing transmission to non-infected persons.

By virtue of the powers granted under the Constitution of Puerto Rico and by the law, as a general rule, the closure of all governmental and private operations is hereby ORDERED, except for those related to essential services, as well as to extend the closure of all businesses in Puerto Rico from March 31 to April 12, 2020, inclusive.

Section 5:

EXCEPTIONS TO THE CLOSING OF BUSINESSES. Businesses are exempted from this Order when they are dedicated to:

1. The retail sale of food EXCLUSIVELY through drive-thru, delivery or carry-out, and without allowing people to dine in inside the establishments, including prepared foods, wholesale food products, supermarkets, or those involved in the food distribution chains, including food for animals.
2. Medications, medical equipment or supplies, and their supply chain
3. Pharmacies
4. Gas stations and their supply chain
5. Banking or financial institutions. Pawn shops classified as financial institutions may ONLY provide pawning and bill payment services, provided that only one client will be served at a time while following safety measures in order to prevent the spread of COVID-19. Pawn shops shall not be allowed to sell goods and/or merchandise.
6. Elderly care centers.
7. Organizations or groups that provide services to address the needs of economically disadvantaged people, such as shelters for the homeless and food banks, among others.

In order to promote the protection of the citizens and prevent the spread during the lockdown, it is hereby ordered that, on Sundays:

- a) all small grocery stores ("colmados"), supermarkets, or businesses that feature supermarkets shall remain closed;
- b) pharmacies may only operate their dispensary areas, sell medication and personal hygiene products; and
- c) gas stations may only sell fuel.

Failure to comply with the price-freeze Orders issued by the Department of Consumer Affairs (DACO) shall result in the sanctions and fines mentioned in this Order and in DACO's enabling act.

Section 6:

EXCEPTIONS TO THE CLOSING OF SERVICES: As long as services are provided in an emergency situation and that a phone number or email address are provided for the to be contacted without the need for opening a location or establishment to the public; that all health, safety, and hygiene guidelines are followed, and that the necessary measures are implemented in order to maintain social distancing and prevent the spread of COVID-19 through their presence:

1. Plumbers, electricians, exterminators, and other services that are necessary for maintaining health, safety, and essential operations at an individual, residential, commercial, industrial, or public level shall be able to operate. This includes elevator or pool maintenance services. Gated communities and their administrators must faithfully fulfill the directives of this Executive Order or they shall be held liable.
2. Roadside assistance and locksmith service companies

may continue to operate, but only to address emergency cases, and they must provide a phone number or email address as contact information for those purposes. Any establishment that is normally open to the public in connection with these services must remain closed.

3. Courier companies may continue to operate while following all health, safety, and hygiene guidelines and implementing all necessary measures for maintaining social distancing and preventing the spread of COVID-19.
4. As for funeral services, body collection and transfers, embalming, cremation, and burials may continue to be performed, but funerals where the public may gather are hereby prohibited.
5. Companies that provide vehicle parts and repair services, including automotive technicians, tire specialists, and parts distributors, may continue to operate in order to address emergencies on **Wednesdays** and **Thursdays**, ONLY between 9:00 AM and 12:00 PM (noon) by appointment, and a contact method such as a phone number or email address must be established in order to schedule said appointments. They must make sure to control the number people being served so that they do not have more than 1 customer at a time, while also following the proper safety measures to prevent infection and not having the establishment be open to the general public.
6. Hardware stores may operate on **Fridays** and **Saturdays**, between 9:00 AM and 12:00 PM (noon), by appointment only, establishing a method for contacting them by phone or email in order to coordinate the sale and delivery of merchandise in an orderly manner but without being open to the public. The people in charge of the establishment must control the number of people being served so that they do not have more than 1 customer at a time.
7. Concerning critical telecommunications infrastructure, all installation, repair, maintenance, and restoration services shall be permitted.

Section 7: PREFERENTIAL SERVICE. It is hereby recommended that any business authorized to operate under this Order offer preferential service to people working at hospitals, laboratories, and law enforcement agencies.

Section 8: DENTAL PRACTICES. Dental practices shall remain closed as recommended by the ADA and the Puerto Rico Dental Board. Measures may be taken to perform emergency procedures, for which they should provide a phone number that patients can call to coordinate an appointment.

Section 9: MEDICAL PRACTITIONERS: All elective medical procedures must be suspended. Medical practitioners must perform an evaluation and take measures to determine whether they should close their offices or continue to see patients, specifically in the case of emergencies. They should do so by appointment and implementing rigorous safety measures. The gathering of people is NOT allowed. They must be particularly vigilant and implement special measures in the case of pregnant women. Specialized treatment offices, such as dialysis centers, cancer treatment centers, and others, are exempt from these provisions; therefore, they must continue to provide these services for the benefit of their patients.

Section 10: ESTABLISHMENT OF GUIDELINES BY AGENCIES. The

provisions established herein may be defined and enforced in detail through guidelines issued by any agency called upon to regulate the services discussed herein once they have been approved by the Governor, who may delegate this function to the Chief of Staff. Similarly, the head of any agency who identifies essential or emergency services not covered under the exemptions must submit a request for this purpose to the Chief of Staff, who may approve them at their discretion. Any agency that issues guidelines in order to discuss the provisions of this Order in detail must publish them as widely as possible once they are approved.

Section 11:

EXCLUDED PERSONS. With the lockdown and its exemptions in place, individuals who are authorized under this Order due to work or emergency reasons are exempt from this lockdown.

The provisions of this Order shall not apply to:

1. Individuals properly identified as employees of public or private security agencies, at the state and federal level;
2. Healthcare professionals, including mental healthcare professionals, people who work at hospitals, pharmacies, pharmaceutical companies, bioscience facilities, or healthcare centers;
3. Personnel working in the wholesale distribution chain and the manufacturing of food and goods, including those necessary for agricultural activity, such as agricultural centers, from the source up to establishments where products are sold to consumers, including retail points of sale such as fresh produce (fruits, greens, vegetables) stands established prior to March 15, 2020, as long as health safety measures (e.g. masks, gloves, disinfectant, etc.) are implemented and consumers are served without the need for creating large gatherings of people, in other words, serving a single customer at a time.
4. Personnel working with utilities or critical infrastructure.
5. Call center personnel.
6. Ports and airports personnel.
7. Members of the press and the media.
8. Citizens who are addressing health or emergency situations.
9. These provisions shall also not apply to officials who are carrying out critical duties in the Executive, Legislative, and Judicial Branches. These employees shall be authorized to travel on public roads in order to go to work and return home on the days and times where it is necessary.

Section 12:

TOLLWAYS. Starting on March 31, tolls will once again be collected at tollways on the roads of the Government of Puerto Rico. However, no fines shall be imposed for passing through a tollway without having sufficient balance in an Autoexpreso account while this Order is in effect due to recharging centers being closed. The Secretary of Transportation and Public Works and/or the Executive Director of the Puerto Rico Highway and Transportation Authority are hereby ordered to issue the necessary guidelines for recognizing a moratorium on the recharging of cards and thus comply with what has been established herein.

Section 13:

TEMPORARY PROVISIONS RELATED TO THE LOCKDOWN. In the interest of ensuring that Puerto Rico's professionals are paid in accordance with their contracts and the applicable laws, up to five



(5) employees per employer shall be exempt from the lockdown provisions EXCLUSIVELY on Tuesday March 31, 2020 between 5:00 AM and 12:00 PM (noon) for the purpose of processing payments for the payroll periods or cycles for the month of March 2020. Employers must identify the necessary personnel, who shall be able to visit their workplace exclusively for this purpose and for any related tasks. In addition, employers must take all necessary preventive measures to safeguard the health and safety of said employees at their workplace. Any employer who uses this provision as a subterfuge to carry out work not related to the processing and payment of wages may be penalized in accordance with this Order.

Additionally, in order to promote teleworking so that Puerto Rico's workforce can continue to generate an income during the emergency created by COVID-19, employers may visit their workplace EXCLUSIVELY on Tuesday March 31, 2020, between 5:00 AM and 12:00 PM (noon) to gather the materials and equipment necessary, as well as to deliver them to the corresponding employees. Employers must identify the necessary personnel, who shall be allowed to visit their workplace exclusively for this purpose and any tasks related to it. In addition, employers must implement preventive measures in order to safeguard the health and safety of said employees at the workplace. Employers who use this provision as a subterfuge to carry out work not related to the collection and delivery of materials and equipment necessary for telework shall be penalized in accordance with this Order.

Section 14:

THE HOSTING OF RELIGIOUS EVENTS ELECTRONICALLY.

Priests, pastors, reverends, bishops, imams, rabbis, and/or any leader of a religious entity that can provide evidence of their status and who do not show flu-like symptoms or symptoms associated with COVID-19 may leave their residence outside of the limitations imposed in this Order exclusively in emergency or crisis situations in order to carry out their ministerial duties when said duties cannot be fulfilled by phone or other communication methods. They shall be responsible for using protective equipment (e.g. masks, gloves, disinfectant, etc.) and shall use all necessary measures to maintain social distancing and prevent the spread of COVID-19.

Any church, temple, mosque, and/or synagogue that can communicate by radio, television, or digital methods may, without the participation of its congregation, hold services, masses, cults, or any of its religion's primary events in order to broadcast it live or in a recorded format, at said places. The number of necessary people (e.g. sound technicians, camera operators, or assisting personnel) may not exceed 10 people and they must not have flu-like symptoms or symptoms associated with COVID-19. In addition, proper social distancing (4 to 6 feet apart) must be maintained and the entity shall be responsible for implementing all cleaning and disinfection measures necessary to prevent infection. This activity shall be authorized to the extent that it is strictly necessary.

Section 15:

THE CLOSING OF PRIVATE BUSINESSES AND ENTITIES.

This total closure order shall apply 24 hours a day to movie theaters, clubs, concert halls, theaters, gaming halls, casinos, theme parks, gyms, bars, and any other similar establishment or event that promotes the gathering of citizens in one place.

Section 16:

CONSTRUCTION SECTOR.

Subject to the implementation of strict safety measures to safeguard the health and safety of all of our workers from COVID-19, and based on the Guidelines from the CDC, the Federal Department of Labor and OSHA, the construction sector is authorized as essential in the COVID-19

emergency as long as it is providing critical maintenance and repair services related to hospitals, drinking water, electricity, and communications.

Section 17:

MARITIME TRAFFIC OF RECREATIONAL VESSELS. The Department of Natural and Environmental Resources (DNER) is hereby ordered to:

a) Issue orders, guidelines, and circular letters, among others, for the **closure of all marinas** in Puerto Rico in order to discourage the maritime traffic of recreational vessels in our territorial waters and establish exceptions to the above based on emergency, commercial fishing, residents in vessels, and federal regulations criteria.

b) in coordination with the Puerto Rico Police Bureau and any Municipal Police Department, establish a costal surveillance plan to ensure that all vessels comply with this Executive Order and/or all

DNER orders, guidelines, and circular letters, among others.

The DNER Ranger Corps, the Puerto Rico Police Bureau, and any Municipal Police force in Puerto Rico are authorized to intervene with any person who disembarks from any type of vessel and enters and/or attempts to enter our shores in violation of the Executive Order established herein and/or in violation of the DNER's orders, guidelines, and circular letters, among others.

Mayors of coastal municipalities who can receive boats or any other means of maritime transportation shall be authorized to prevent the entry of any person to Puerto Rico through these methods. They may coordinate their efforts with their Municipal Police, the DNERs, and the Puerto Rico Police Department.

Section 18:

NONCOMPLIANCE. Failure to comply with the provisions of this Emergency Executive Order by any person or business shall result in the imposition of the criminal penalties and fines established by the provisions of any applicable law and Act 20-2017, as amended, which establishes a penalty of imprisonment not to exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties, at the discretion of the court, for any person who fails to follow the evacuation orders issued by the Department of Public Safety and its Bureaus. Likewise, failure to comply with the price freeze Orders issued by the Department of Consumer Affairs shall result in sanctions and fines imposed by that Agency, in addition to the ones mentioned in this Section. Furthermore, in accordance with the provisions of Art. 33 of the Health Department Act, "Any natural or legal person who violates the provisions of this Act or the regulations issued by the Department of Health thereunder shall incur a misdemeanor, and upon conviction, may be sentenced to imprisonment that shall not exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties, at the discretion of the court." Lastly, failure to comply with the Price Freeze Orders issued by the DACO shall result in the sanctions and fines issued by that agency, as well as the ones mentioned in this section.

The Puerto Rico Police Department and the Department of Public Safety of Puerto Rico are hereby ordered to take all necessary measures to enforce compliance with the provisions of this Executive Order.

Section 19:

DEFINITION OF THE TERM AGENCY. For the purposes of this Executive Order, the term "Agency" refers to any agency, instrumentality, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of its name.

Section 20:

DEROGATION. This Executive Order supersedes any other

executive order that may be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 21:

VALIDITY. This Executive Order shall enter into force on March 31, 2020 and shall remain in force until April 12, 2020 and/or until further notice.

Section 22:

NON-CREATION OF ENFORCEABLE RIGHTS. This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

SECTION 23:

PUBLICATION. This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.



IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 30th day of March of 2020.


WANDA VÁZQUEZ-GARCED
GOVERNOR

Enacted in accordance with the law on this 30th day of March of 2020.



ELMER L. ROMÁN-GONZÁLEZ
SECRETARY OF STATE

CERTIFIED TRANSLATION



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I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.

Dear Maria Morey and Kelley Catlin,

Maria, since we talked last, barely a week ago, because of Covid-19, this is how my business and family have been affected:

CANCELLED: \$11,000.00 contract. Janie McKown, 805 E Greenwood, Springfield, MO 417-343-7012.

CANCELLED: \$13,500.00 bid. Tabitha Nutting, 3856 State Hwy O, Springfield, 417-773-0633, Per phone: they were going to go with SmithCo, but wants to wait because of Covid-19.

CANCELLED: Appointment, for the same reason. Rahela Petian, 6320 N Farm Rd 133, Springfield, 417-766-4777.

CANCELLED: Bid for same reason. Martin and Nancy Lovan. 6946 W Dogwood, Springfield, 417-252-3113.

CANCELLED: Appointment, for the same reason, Covid-19. They were wanting a sunroom. Robert Trobaugh, 135 Kelly Crossing Ln. Walnut Shade, Mo. 417-230-8181.

CANCELLED: Tom Neil 1331 E Deerfield, Springfield, 417-839-2462. Wants to put their plans for a screen room from SmithCo on hold, because of the downturn in the economy.

CANCELLED: Shirley Leis, 598 Cave Hollow Rd, Ozark, MO, 660-525-0280. Wanted to do a sunroom but is reluctant to do anything right now, because of the economy.

COLLECTIONS: Right now, we have a delay in getting paid on one job and wondering on getting paid on jobs coming up, as they finish. We have a few rentals and am worried about collecting rent.

We try to have 1 to 3 appointments set up per day, a week or two ahead. As of today, 3-28-20, for the coming week we have no appointments set and only one call for an estimate. We have several crews, with families, that depend on us for year around work.

For my family: one daughter, Erin Simpson works for Expedia - travel related - and she is not sure if she will keep her job. My other daughter, Eva Beshears, a real estate agent is seeing a downturn in her business; her husband, Chris, works for Kraft, where a fellow worker has been diagnosed with Covid-19. We have helped both our daughter's family on a continuous basis in the past and am not sure what help they will need going forward. We recently helped, Ashley Davenport, the mother of one of our grandchildren, Angela Davenport-Smith to move, because of an abusive husband, with a check for around \$2000.00. We also, unfortunately, pay the monthly child support for my son, to both his children's families, about \$4000.00 per year. We are not sure how our family is going to be economically affected by Covid-19, even without an infection, and what help they will need.

Beyond our family and monthly business expenses and obligations to our business family, the penalties proposed seem excessive in the best of times. As owner I have been recertified and plan on two of our permanent crews also getting certification. We have spent 37 years making a good name in the community. We have tried to prepare for our retirement, the savings which is crucial going forward, and especially now. Our health insurance has increased by \$6154.96 for a

yearly total of \$25,374.96. This does not speak to everyday business expenses and unknown burdens that may come up for our personal and family business.

In this period of economic and health uncertainty for everyone (we are 64 and nearing retirement) we are asking the EPA to please waive all penalty amounts.

Sincerely,

Patrick and Jazell Smith, SmithCo Exteriors